

**18.14 CITY SEAL.** The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "NEVADA, IOWA" and around the margin of which are the words "CITY SEAL."

**18.15 ADDITIONAL DUTIES.** The Clerk shall perform such other duties as specified by the Council by resolution, ordinance of motion, or by the City Administrator. The work performance of the Clerk shall be supervised and evaluated by the City Administrator.

**18.16 DISBURSEMENTS OF CEMETERY.** The Clerk shall prepare a report of all disbursements or expenditures of funds or moneys for purchases authorized by the Cemetery Sexton to be approved by the Board at each quarterly meeting.

**18.17 CUSTODY AND INVESTMENT OF FUNDS.** Any and all funds derived from moneys paid to the City for the perpetual care and upkeep of lots and graves in the cemetery and now legally chargeable to the City, and any other funds or property held for the benefit of the cemetery, shall be forthwith placed in the custody of the Clerk, and the Clerk shall invest such funds at the direction of the Board in accordance with the City's investment policy. The Board shall insure that such funds and the income derived from such investments shall be used in accordance with the terms and stipulations under which the funds are originally received.

## CHAPTER 24A

### COMBINED PARKS, RECREATION AND CEMETERY BOARD

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#### **24A.01 DEFINITIONS.** *[Reserved for future use.]*

**24A.02 NEW BOARD CREATED.** There is hereby created a new municipal board which shall assume all of the duties, responsibilities and powers of the former separate boards created and operating under the authority of City Code Sections 24.02 and 26.02. The official name of the board shall be the "Combined Parks, Recreation and Cemetery Board." For ease of reference and everyday use, the aforementioned board may be referred to as the "Park Board."

**24A.03 INITIAL COMPOSITION OF BOARD.** Subject to their appointment by the Mayor and approval of the Council, the Board shall initially consist of a total of nine members who shall be composed of the existing seven members of the Chapter 24 Parks and Recreation Board and two members of the former Cemetery Board of Trustees who have expressed a desire to continue serving on the new Board.

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**24A.04 APPOINTMENT OF BOARD MEMBERS.** Subject to Council approval, the Mayor shall make all appointments to the Board which shall be accomplished as follows:

1. **Initial Members.** At the next regular City Council session following final passage and publication of Ordinance No. 958, codified by this chapter, the Mayor, with the approval of the Council, shall appoint the nine members of the Board to the remainder of their present, existing terms as now remain on their respective boards.
2. **Future Appointments.** Future appointments to the Board shall be for overlapping five-year terms.
3. **Composition of Future Board.** As the individual terms of the initial Board Members expire or a seat on the Board becomes vacant, the City Council may by resolution, but only after a recommendation of the Board, reduce the total number of Board Members until a permanent membership of seven is attained.

4. Vacancies. Vacancies on the Board, provided the seat is not eliminated pursuant to Subsection 24A.04(3) above, shall be filled in the same manner as set forth in this section.

5. No Compensation. All Board Members shall serve without compensation, but may be reimbursed for their actual, necessary and reasonable out-of-pocket expenses incurred in the performance of their duties.

6. Control of Cemetery. All powers and duties over cemeteries that are given to the City by State law are hereby delegated to and conferred upon the Board.

7. Platting of Lots. The Board shall approve the platting of lots and lots in the cemetery shall be described by lot and block numbers.

8. Price of Lots/Other Fees. The Board shall annually review and recommend approval of the prices of lots and parts of lots available for sale and all other fees charged by the cemetery and recommend to the Council any changes. All changes to cemetery fees shall be approved by resolution of the Council and included in the Appendix to this Code of Ordinances and shall be either posted at the cemetery or available upon request from staff at the cemetery or the City Clerk's office.

9. Rules and Regulations. The Board shall recommend to the Council reasonable rules and regulations for the use, management, adornment and control of the cemeteries under its control, which shall include but not be limited to rules and regulations in reference to the burial of the dead, care of the lots, maintenance of the cemetery, fixing and determining all charges for services or materials, and the organization and meetings of said Board in a proper manner and not inconsistent with this chapter and the laws of the State. Said rules and regulations shall be approved by resolution of the Council and shall be either posted at the cemetery or available upon request from staff at the cemetery or City Clerk's office.

10. Reports to Council. The Board will make written reports to the Council of its activities from time to time as it deems advisable and upon Council request, but no less than annually. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other department revenues and expenditures and a copy shall be provided to each member of the Board.

**24A.05 PARKS AND RECREATION DIRECTOR; SEXTON.** In addition to the present duties, responsibilities and powers of the Parks and Recreation Director, the Director shall also have direct supervisory responsibility over the cemetery and the Cemetery Sexton who shall report to the Director. The supervision, review and evaluation duties of the City Administrator referred to in Section 26.09 of this Code are hereafter the responsibility of the Parks and Recreation Director.

**24A.06 CEMETERY SEXTON.** The Cemetery Sexton shall be under the supervision of the Parks and Recreation Director. The Cemetery Sexton shall have charge of the cemetery grounds and shall keep same in good order and free and clear

of all rubbish or obstructions of any kind. The Cemetery Sexton shall dig or cause to be dug all graves therein and shall keep a record of all burials in the cemetery, which record shall state the name, age (as near as may be determined), place of residence or last home of deceased, where death occurred, the date of death and date of burial, the number of the lot and block where buried, the name and place of residence and post office address of the person at whose instance burial was had, together with the name and place of residence and post office address of one or more members of the decedent's family, one or more of the near relatives of the decedent, or one or more friends of the decedent. The Sexton shall make a full report thereon quarterly to the Board and at such other times as the Board may require, which reports shall be accepted and filed by the Board.

**Deleted: 24A.06 RELATIONSHIP TO CHAPTERS 24.**  
Chapter 24 shall remain in full force and effect and only those provisions that are replaced by, or otherwise conflict with this Chapter 24A shall be null and void....

**24A.07 SALE OF LOTS.** Requests to purchase lots in the cemetery shall be made to the Cemetery Sexton or Clerk. The Cemetery Sexton shall maintain a record containing a list of all the lots in the cemetery with the lot and block numbers, which shall show lots sold, unsold and the value or sale price of the lots. On the payment to the Cemetery Sexton or Clerk of the purchase price for any lot in said cemetery, the Mayor and Clerk shall execute and deliver a deed for such lot to the purchaser. The Board shall have the authority to recommend a payment schedule for the purchase of lots and grant the Cemetery Sexton the authority to accept installment payments based upon the approved payment schedule.

**24A.08 TRESPASSING.** No person shall trespass upon the cemetery grounds or disturb, injure, deface, wrongfully remove or change any grave, tombstone or other monument, or any earth, stone, mound, tree, shrub, flower or any water container, or other thing of value, use or ornament in or upon said grounds or any fence in or about the same. No person shall hitch any horse to any tree, shrub, post or monument in said grounds, or ride or drive any horse or motor vehicle over or upon any lot therein.

**24A.09 LOT OWNERSHIP LIMITED.** No person shall be permitted to own more than one lot, or the equivalent thereof, in the cemetery at any one time, except by special permission of the Board, duly entered of record. This provision is made to discourage and prevent improper speculation in cemetery lots.

**24A.1 RELATIONSHIP TO CHAPTER 24.** Chapter 24 shall remain in full force and effect and only those provisions that are replaced by, or otherwise conflict with this Chapter 24A shall be null and void.

*(Ch. 24A – Ord. 958 – Jul. 10 Supp.)*



(Sec. 41.15 – Ord. 962 – Jun. 11 Supp.)

#### 41.16 INTERNATIONAL FIRE CODE ADOPTED.

1. Purpose. It is the purpose of this section to adopt, by reference, the current and up to date Edition of the *International Fire Code* (IFC) (or other code as adopted by the State of Iowa), and as subsequently amended, published by the International Code Council, including Appendix Chapters B Fire Flow, C Fire Hydrant Locations and Distribution, D Fire Apparatus Access Road, and E Hazardous Categories, is hereby adopted by the City of Nevada, Iowa, for the purpose of prescribing regulations pertaining to conditions hazardous to life from fire and explosives, together with the deletion hereafter stated.

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2. Deletions.

A. Delete Section 103 of the *International Fire Code* relating to the Department of Fire Prevention.

B. Delete Section 105 of the *International Fire Code* relating to Permits.

C. Delete Section 307 of the *International Fire Code* relating to Open Burning, Recreational Fire and Portable Outdoor Fireplaces.

3. Penalties for Offenses Pertaining to the Fire Code. A violation of any provisions of Section 41.16, Fire Code, shall be a municipal infraction punishable by a penalty of \$250 for a person's first violation, and a penalty of \$400 for each repeated violation.

(Sec. 41.16 - Ord. 964 – Jun. 11 Supp.)

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arrest in the event the underage person has committed another separate and distinct public offense for which an arrest would be appropriate.

5. No parent, legal guardian, or other adult person having the legal care and custody of any person under the age of 16 shall willfully allow, suffer, insufficiently control or permit any such person under 16 years of age while in such legal care and custody to violate the provisions of this section. Adult offenders who violate this section are subject to a civil penalty as a municipal infraction.

**46.03 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

*(Code of Iowa, Sec. 453A.2)*

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**46.04 CONTRIBUTING TO DELINQUENCY.** It is unlawful for any person to encourage any child under twenty-one (21) years of age to commit any act of delinquency.

*(Code of Iowa, Sec. 709A.1)*

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**46.05 PERSONS UNDER 21 IN TAVERNS.** It is unlawful for any person under 21 years of age to enter, remain in or frequent a business establishment holding a retail liquor license or beer or wine permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. The provisions of this section do not apply to premises having a Class "C" beer permit.

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- G. Recreational Trails. No motorized vehicles, horses or livestock are allowed on recreational trails. Motorized wheelchairs operated by persons with disabilities are allowed.
2. Animals. Animal regulations are as follows:
- A. No person shall trap, catch, wound or kill; or treat cruelly, or attempt to trap, catch, wound or kill any bird, animal or fish or molest or rob any nest of any bird or animal in any park or facility. Fishing is allowed as set out by the State Department of Natural Resources.
- B. Horses must be confined to roads or areas authorized by the Parks and Recreation Board.
- C. All dogs shall be kept on leashes while in any park. No dogs are allowed on athletic fields at any time.
- D. Every person owning or having custody or control of an animal in any park shall clean up and remove the feces deposited by such animal and dispose of it in a sanitary manner.
3. Restricted Areas. The Parks and Recreation Board shall designate certain areas as restricted areas and shall require such areas to be designated by sign or notice. No person shall enter upon such restricted areas, nor shall they enter or attempt to enter any building or area in any park or facility when it is closed to the public or when it is scheduled for a specific group unless invited by that group.
4. Ponds. No swimming, wading or boating is allowed in any ponds located in any City parks or open park areas. No unauthorized stocking of fish is allowed in the ponds.
5. Public Meetings. Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any public park upon first obtaining permission from the Parks and Recreation Board. Such assemblages shall be conducted in a lawful and orderly manner.
6. Peddling and Advertising. Peddling, hawking, soliciting, begging, advertising or carrying on of business or other commercial enterprise within any area without written permission of the Parks and Recreation Board is strictly prohibited.
7. Games and Sports. Hitting golf balls is prohibited in City parks and in any City-owned open spaces. The Parks and Recreation Board has the authority to designate certain areas in which particular games or sports may be played.
8. Fires. No person shall light or use any fire in any park or facility except in specially designed grills or food preparation devices or fire pits. This provision is intended to prohibit all campfires and similar open burning.

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6. Weapons and Missiles. No person shall bring, carry or use in any way, knives, firearms, air guns, pellet guns or other weapons of any kind, or fireworks or other explosive substances of any kind in any park or facility, except for such fireworks displays as are approved by the Parks and Recreation Board.

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9. Gambling. All persons shall comply with the laws of the State of Iowa with regard to gambling or games of chance.

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10. Closing Time. All parks, City-owned open spaces and facilities shall be closed to the public each night from midnight to daybreak.

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11. Fees. The Parks and Recreation Board shall have the authority to fix fees, as approved by the Council, concerning the rental of shelter houses and various park facilities. The Board shall annually review all fees charged for park facilities and recommend to the Council any changes. All fees shall be approved by resolution of the Council and included in the Appendix to this Code of Ordinances and shall either be posted at the facility or available upon request from staff at the facility or at the City Clerk's office.

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12. Disposal of Refuse. No person shall deposit or abandon in any area any garbage, sewage, refuse, trash, waste or other obnoxious or offensive material, except in receptacles or pits provided for such purposes.

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13. Cooperation With Authorities. No person shall hinder, interfere with, disobey or otherwise not cooperate with employees of the Parks and Recreation Department in the performance of their duties.

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14. Camping. Camping may be done by permission of the Parks and Recreation Director for a 24-hour period unless otherwise authorized by the Parks and Recreation Board.

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15. Alcoholic Beverages, Wine and Beer. The use of alcoholic beverages, wine and beer is subject to the following restrictions:

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A. It is unlawful for any person to use or consume alcoholic beverages at Kiwanis Park or the Fawcett Family Aquatic Center.

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B. No glass beer bottles are allowed in any park or park area.

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C. It is unlawful for any person to possess or consume alcoholic beverages at any recreational activity or contest involving high school students or other minors.

Deleted: Beer is not permitted at the Kiwanis Park, Billy Sunday Field or Fawcett Family Aquatic Center. \*

D. Notwithstanding any other provision of this Code of Ordinances or of the Code of Iowa, it is unlawful for any person to sell beer, wine or alcoholic liquor in any park area. For the purpose of this subsection, the term "sell" includes but is not limited to the sale for cash, payment in kind, barter, exchange or other consideration to be given at present or at some future date. However, this section does not prohibit the dispensing and consumption of beer in any park area, provided that there is no charge or fee paid for the beer and provided further that such dispensing or consumption does not violate any other provision of this Code of Ordinances or the Code of Iowa. The Council shall not issue or approve any license or permit application by any person licensed pursuant to Chapter 123 of the Code of Iowa that contravenes this chapter.

Deleted: Beer is not permitted at the Kiwanis Park, Billy Fawcett Family Aquatic Center. \*

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Deleted: except that kegs are permitted in the community building and the pavilion. \*

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Deleted: Beer is not permitted at the dugouts or on the playing field during adult league games or tournaments. \*

## CHAPTER 48

### MOBILE FOOD VENDORS

48.01	Definition	48.05	Property Owner
48.02	Mobile Food Unit License Required	48.06	License Fees
48.03	Licensing Application	48.07	Compliance with the Law
48.04	Vendor Locations	48.08	Suspension or Revocation of License

**48.01 DEFINITION.** “Mobile food vendor” means a person engaged in the business of selling food or beverages from a mobile food unit (self-contained motorized vehicle, trailer or pushcart).

**48.02 MOBILE FOOD UNIT LICENSE REQUIRED.** It shall be unlawful for any person to engage in the sale of food or beverages from a mobile food unit without first obtaining a mobile food unit license. A mobile food unit license is a special license and is required in addition to any other required City business license or state license or permit the person may hold or be required to hold. A mobile food unit license issued by the City Clerk or the City Clerk's designee shall be subject to the following:

- A. A mobile food unit license is an annual license that expires on December 31<sup>st</sup> each year and must be renewed prior to the first event after that date.
- B. Each mobile food unit shall be licensed separately. No license transfer is allowed.
- C. Each mobile food unit shall comply with Story County and State of Iowa inspection requirements and display State license in full view of the public in or on the unit.
- D. Each mobile food unit shall have a working fire suppression system.
- E. Fire Department Inspection
  - 1. All mobile food units that have cooking facilities shall be inspected by the Fire Department prior to initiation of business operations within the City.
  - 2. All mobile food units inspected must comply with the provisions of the International Fire Code, 2021 Edition, Section 319, as amended.
  - 3. Inspections are required annually and prior to submittal of a license application to the City. It shall be the obligation of the mobile food vendor to schedule the inspection with the Fire Department.
  - 4. The cost of the fire department inspection shall be set by resolution of the City Council.
  - 5. Upon completion of the annual fire inspection, if the Fire Department

determines that the mobile food unit passes the inspection, the Fire Chief shall sign the certificate of compliance on the mobile food vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.

- F. Exempt. The following shall be exempt from the licensing and fire department inspection requirement.
1. Seasonal food stands selling only local fresh produce between May 15 and October 15.
  2. Vendors participating in the City approved, weekly Farmers Market.
  3. Concession stands associated with sports or recreational venues that have been approved as part of a site plan.

#### **48.03 LICENSING APPLICATION**

- A. Filing: Applications shall be filed with the City Clerk. No application request shall be accepted for filing and processing unless it conforms to the requirements of this chapter. This would include a complete and true application, all of the required materials and information prescribed, a certificate of compliance from the Fire Chief and is accompanied by the required fees.
- B. Timely Submitted: Unless otherwise provided herein, applications must be submitted not less than ten (10) calendar days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city. The Clerk shall have the discretionary right to accept an application made less than 10 calendar days prior to the desired start date.
- C. Application Contents: Application shall be made on a form provided by the city and shall include:
1. Full name of the applicant.
  2. Applicant's contact information including mailing address, phone numbers and e-mail address.
  3. State health inspection certificate with the classification level of the state license identified.
  4. Description of the kitchen facilities, cooking facilities, preparation area, safety features (fire suppression system, etc.) of the mobile food unit.

5. Photographs of the mobile food unit from the front, side and back.
6. Make, model and year of vehicle to be used and the license plate number.
7. Overall size of the vehicle; to include length, width, and height.
8. Fire Chief certificate of compliance with the Fire Department inspection.
9. Application and license fees.
10. Site plan or drawing of location including:
  - a. Address
  - b. Property lines
  - c. Driveways
  - d. Sidewalks
  - e. Parking areas
  - f. Buildings on the property
  - g. Fire hydrants
  - h. Other utilities such as utility poles, street lights, transformers, utility boxes, and so forth.

D. Issuance of License. Upon completion of the review process and determination of compliance with the applicable regulations, the City Clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger side) fo the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.

E. Modification of License After Issuance. Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher State licensing level classification, a new application and fire inspection shall be required.

F. Right to Appeal: If the City Clerk revokes or refuses to issue a license, an applicant may appeal to the City Council at its next regularly scheduled meeting by filing with the City Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application



was disapproved, was served in person or deposited in U.S. mail.

- G. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

#### **48.04 PERFORMANCE STANDARDS.**

- A. Mobile food unit(s) are allowed to be operated on public property if approved by the City. Mobile units are prohibited from parking within 100 feet of any permanent building establishment that sells prepared food or beverages.
- B. No Mobile Food Unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other city code requirements or the mobile food unit is a participant in a multiple (contiguous) day, city permitted, public property approval. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, towing, or any other action legally allowed.
- C. Music and Sound Making Devices: The use of music or sound making devices as a part of mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.
- D. Persons conducting business from a mobile food unit must do so in compliance with the following standards:
1. The mobile food vendor must obtain expressed written consent of the property owner or lessee to use the property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property. Written consent does not excuse or permit the violation of any other imposable regulations.
  2. No mobile food unit may be located on a vacant lot or lot with a vacant



building.

3. The operator of the mobile food unit shall display their city license in full view of the public in or on the unit.
4. Mobile food shall be limited to the hours of operation between eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M.
5. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.
6. The mobile food unit must be located on a paved or rocked surface, unless approved as part of an event permit.
7. Mobile food units shall be located on property that is zoned URBAN CORRIDOR (UC), DOWNTOWN COMMERCIAL (DC), GENERAL COMMERCIAL (GC), GENERAL INDUSTRIAL (GI), LIMITED INDUSTRIAL (LI), and LIMITED COMMERCIAL (LC).
8. All mobile food units shall maintain a minimum separation from buildings of fifteen feet as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of food unit shall not impede pedestrians entering or exiting a building.
9. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate safe space for patrons waiting for their order must be available on the property where the mobile food unit is located.
10. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. One temporary freestanding business identification sign of 16 square feet or less is permitted. Such a sign shall only be permitted during the time the mobile unit is operating. Off premises signs directing patrons to the mobile food unit are prohibited.

11. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers and shall keep the area around the mobile food unit clear of litter and debris at all times.

12. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

**48.05 PROPERTY OWNER/LESSEE RESPONSIBILITY.** By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with this chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site. Failure to do so could result in the property owner or lessee being party to any enforcement actions or penalties allowed by law.

**48.06 LICENSE FEES.** At the time of submittal of a license application, the applicant shall pay to the city the applicable license fee in addition to any applicable inspection fee(s). The fee schedule will be set by resolution and may be modified from time to time with approval by resolution of the City Council.

Any license who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

**48.07 COMPLIANCE WITH THE LAW.** Each Mobile Food Unit vendor shall comply with all applicable federal, state, and local laws, regulations and rules.

**48.08 SUSPENSION OR REVOCATION OF LICENSE.** Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

A. Grounds: The City Clerk may suspend or revoke any license issued under this chapter, for any of, but not limited to, the following reasons:

1. The licensee has made fraudulent statements in his/her application for the license or conduct of his/her business.
2. The license has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

3. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order or morals.
  4. The city clerk or the city clerk's designee has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.
- B. Notice of Suspension or Revocation; Right to Appeal: The City Clerk shall cause notice of the license revocation to be served in person by a city official or by mail to the licensee's local address, which notice shall specify the reason(s) for such action, at which time operations of the licensee must cease within the corporate limits of the City of Nevada. The licensee may appeal the revocation of the license to the City Council at its next regularly scheduled meeting by filing with the City Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the City Clerk to revoke such license. If a license is revoked, no refund of any license fee paid shall be made. Upon the revocation of a license, the licensee is not eligible for the issuance of a new license under this chapter for a period of one year from the date the license revocation is served in person or deposited in the U.S. mail.

**48.09 PENALTY.** Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than \$625.00 or may be punishable as municipal infractions subject to a civil penalty as set forth in this Code of Ordinances. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers and code enforcement officers shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

inoperable by its own power. Provided, however, this subsection does not prohibit the owner of a motor vehicle from making ordinary and routine repairs to any motor vehicle currently registered to said owner or a member of said owner's immediate family, while such vehicle is parked on property owned or controlled by said owner when the ordinary and routine repairs do not require the vehicle to be inoperable for more than fifteen days. And provided further, the 15-day limit referred to in this subsection may, in the discretion of the Mayor, Police Chief or Council, be extended for an additional 15-day period if the owner can demonstrate to the Mayor, Police Chief or Council that it is impossible to complete the ordinary and routine repairs within 15 days because of the unavailability of parts or other emergency beyond the control of the owner. In such a case, the Mayor, Police Chief or Council may grant written permission for an additional 15-day period; or

G. Any other vehicle or machine which, because of its defective or obsolete condition, in any way constitutes a threat to the public health or safety.

3. "Owner" includes but is not limited to any one or more of the following: (i) the current registered owner of any motor vehicle as shown by the public records of the office charged with licensing and registering motor vehicles in Iowa or any other state; or (ii) the owner of the land upon which the refuse, junk motor vehicle or junk machinery is situated as the same is shown by the public records of the County Auditor. In the event the owner of land as described in this subsection does not occupy or control the property subject to this section, the word "owner" includes the person in control or in possession of the subject real estate. In the case of refuse or junk machinery whose actual ownership is not readily ascertainable by reference to public records in Story County, the owner of such refuse or junk machinery shall be deemed to be the same as the owner of the land upon which the refuse or machinery is located, or the person in possession of such land, or both. It is the intent of the Council to impose vicarious liability upon absent landlords as well as parties in possession for any violation of this chapter.

4. "Refuse" means all garbage, rubbish, ashes, inoperative appliances, scrap lumber and building materials, or other substances offensive to sight or smell or detrimental to the best interests of the community.

**51.02 REFUSE, JUNK, JUNK MOTOR VEHICLES AND MACHINERY PROHIBITED.** It is hereby declared that it is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any refuse, junk, or junk motor vehicles or junk machinery upon private property constitutes a threat to the health and safety of the citizens. If any refuse, junk, junk motor vehicles or machinery is stored upon private property in violation hereof, the owner as defined in Section 51.01 of this chapter shall be prima facie liable for said violation.

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**51.03 REFUSE, JUNK, JUNK MOTOR VEHICLES AND MACHINERY A NUISANCE.** It is hereby declared that any refuse, junk, junk motor vehicles, or machinery located upon private property is a nuisance within the meaning of Iowa Code §657.1.

**51.04 NOTICE TO ABATE.** Upon discovery of any refuse, junk, junk motor vehicle or junk machinery stored upon private property within the corporate limits of the City in violation of Section 51.02 of this chapter, the Police Chief shall within ten (10) days notify by certified mail or hand delivery all owners whose identity can be readily ascertained, as said owners are defined pursuant to Section 51.01 of this chapter, that:

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1. The refuse, junk, motor vehicle or machine constitutes a nuisance under the provisions of this chapter;
2. The owner must remove the refuse or junk or remove or repair the motor vehicle or machinery in accordance with the terms of this chapter; and
3. Failure to remove or repair as herein provided will be sufficient cause for its removal by the City at the owner's cost, or each of them, and furthermore, that failure to remove or repair may subject the owners to a criminal penalty.

**51.05 DUTY OF ALL OWNERS TO REMOVE OR REPAIR.** Each and every owner who violates the provision of Section 51.02 must within fifteen (15) days after receipt of written notice from the Police Chief remove all refuse and junk or remove the motor vehicle or machinery to an auto salvage yard or junk yard duly licensed by the City, or to a lawful place of storage outside the City limits, or repair the defects which caused such motor vehicle or machinery to violate the provisions of this chapter, including licensing if a motor vehicle is not currently licensed. Mere licensing of any such motor vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

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**51.06 ABATEMENT.** If such owner fails to remove said refuse or junk or fails to remove or repair the motor vehicle or machinery in accordance with the terms of this chapter, the City shall abate such nuisance by causing the refuse, junk, motor vehicle or machinery to be removed and disposed of in the case of refuse and junk, and removed and impounded and sold or disposed of as specified in this chapter and prescribed for the disposal and sale of abandoned vehicles, in the case of motor vehicles or machinery. The cost of abatement and all charges incidental thereto shall be charged to the owner.

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**51.07 EXCEPTIONS.** The provisions of this chapter do not apply to any refuse, junk, junk vehicle, or machinery stored within:

- (1) Structure. A garage or other enclosed structure.
- (2) Salvage Yard. An auto salvage yard or junkyard lawfully operated within the City and fully surrounded by a fence not less than 72" in height which acts

CHAPTER 51

JUNK, JUNK VEHICLES AND MACHINERY

as a visual obstruction. Any such auto salvage yard shall be properly licensed as an authorized vehicle recycler as required by the Code of Iowa.

(3) Temporary Storage. The temporary storage of refuse for a period of ninety (90) days or less if the same is enclosed in a water-tight covered container made of galvanized steel or other non-rusting material.

[The next page is 275]

- B. Recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
6. "Dangerous animal" means and includes:
- A. Any animal that, unprovoked, has inflicted injury on a person.
  - B. Any animal that, unprovoked, has killed or inflicted severe injury upon a domestic animal at least once within the prior thirty-six (36) months.
  - C. Any animal that snaps, attempts to bite a human being or domestic animal, or manifests a disposition to snap or bite.
  - D. Any animal that, unprovoked, chases or approaches anyone in a menacing fashion off the owner's property.
7. "Domestic animal" is any animal which is naturally tame or gentle or which is maintained as a pet and which is not: (i) of a wild nature or disposition; (ii) livestock; or (iii) defined as an exotic, dangerous or otherwise prohibited animal.
8. "Illegal animal" means any animal that is not normally considered domesticated or tame. Illegal animals include, but are not limited to:
- A. Lions, tigers, jaguars, leopards, cougars, lynx, bobcats, or hybrids of these with domestic cats,
  - B. Wolves, coyotes, foxes, or hybrids of these with domestic dogs,
  - C. Badgers, wolverines, weasels, skunk and mink,
  - D. Raccoons,
  - E. Bears,
  - F. Any non-human primates,
  - G. Bats,
  - H. Alligators and crocodiles,
  - I. Black widow spiders and Scorpions,
  - J. Any venomous or constrictor snake or reptile,
  - K. Gila monsters,
  - L. Bee, and
  - M. Livestock
9. "Fair" means any of the following:
- A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event



conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

10. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

11. "Livestock" means any animal. Regardless of size or domestication, belonging to the bovine, caprine, equine, or porcine species, ostriches, rheas, emus; farm deer; or poultry, except as may be permitted in Chapter 55A.

(Ord. 991 – Jan. 17 Supp.)

12. "Muzzled" means a ~~dangerous~~ animal under the control of a responsible person and restrained with a muzzle, which shall be made in a manner that will not cause injury to the animal or obscure its vision or interfere with its respiration, but shall prevent it from biting any human being or animal.

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13. "Owner" means any person who owns, harbors, keeps, maintains, has the possession or control of, shelters, or is the custodian of an animal. "Owner" includes any person who knowingly permits an animal to remain on or about the premises under the control of that person.

14. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

15. "Vicious animal" means and includes:

A. Any animal with a history, tendency or disposition to attack, to cause bodily injury or to otherwise endanger the safety of human beings or domestic animals;

B. Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) months, engages in any behavior which kills or inflicts severe injury upon a domestic animal.

C. Any animal that has killed or inflicted bodily injury on any person, with or without the knowledge of the owner.

D. Any animal that is infected with rabies.

E. Any animal that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes; or

Deleted: <#>Any animal that snaps, attempts to bite a human being or domestic animal, or manifests a disposition to snap or bite;  
<#>Any animal that, unprovoked, chases or approaches anyone in a menacing fashion off the owner's property.



2. Any animal under the jurisdiction of and in the possession of the Iowa Department of Natural Resources pursuant to Chapters 481A and 481B of the Code of Iowa.
3. Animals kept for temporary exhibition to the public by a bona fide circus, fair, carnival, exhibit or show which is in compliance with applicable Federal and State laws regarding the ownership, keeping, maintenance, and exhibition of such animals;
4. Livestock maintained in an agriculturally zoned area, in compliance with the City's zoning regulations;
5. Livestock brought into the City on a temporary basis for use or display in any City-sanctioned event such as a parade, rodeo, Memorial Day, Independence Day, or Lincoln Highway Day celebration or similar community event;
6. Livestock brought into the City on a temporary basis for use or display in connection with any event sponsored or sanctioned by the Story County 4-H Fair association or an event held at the Story County Fair Grounds with the express consent and permission of the Story County 4-H Fair Association;
7. Livestock used by private individuals or entities for public entertainment or commercial purposes such as animals used to draw horse drawn carriages, sleighs and similar vehicles or devices, provided the livestock is not boarded or harbored within the City overnight and provided further that all animal waste is immediately removed by the owner. This exception shall not be construed to authorize the operation of a riding stable, petting zoo or similar enterprise on private or public property within the City.

It is unlawful to engage in any practice that is designed or intended to increase the aggressiveness and attack propensities of any animal.

This section does not apply to animals owned by a law enforcement agency and kept for the purpose of enhancing public safety by a trained handler.

#### 55.08 DETERMINATION THAT AN ANIMAL IS DANGEROUS.

A. Initial Determination. Upon receiving a complaint, or when they have reasonable suspicion, that an animal is dangerous, the Nevada Police Department or their designee shall make a determination whether or not such animal is dangerous. Any determination that an animal is dangerous shall be made in writing which summarizes the available evidence and which shall be served personally by personnel of the Nevada Police Department or mailed certified mail, return receipt requested, to both the applicable complainant and animal owner. If the determination is made that the suspect animal is dangerous (which shall be served personally by the Nevada Police Department or mailed certified mail, return receipt requested), the written determination shall order compliance with the appropriate provisions of this Ordinance within a reasonable period of time and the City may impose reasonable conditions to maintain the public health and safety.

B. Appeals. Any party having a direct interest in the matter and aggrieved by any determination as provided in this Ordinance may, within three (3) business days of receiving such determination, appeal the decision in writing to the City Council. The Council shall schedule a hearing on such appeal, and shall render its decision as expeditiously as possible after the hearing. The City Council shall deliver the ruling to the parties and any person appearing at the hearing by personal service or certified mail return receipt requested. The ruling of the Council shall be final.

#### 55.02. KEEPING OF DANGEROUS ANIMALS.

Once an animal has been declared dangerous as set forth in section 55.08, no person shall keep, shelter or harbor any such animal within the City except in the following circumstances:

1. Confinement. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring or having the care of a dangerous animal shall permit such animal to go unconfined upon the premises of such person and shall not permit the animal to go beyond the premises unless the animal is confined. A dangerous animal is unconfined unless the following conditions are met:

A. Leash and Muzzle. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and the leash are under the physical control of a person 18 years of age or older. Such animals may not be leashed to inanimate objects such as trees, posts, fences, buildings, or any other object or structure. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

B. Enclosure. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section. Such pen, kennel or structure must have secure sides at least six (6) feet in height and a secure top attached to the sides. All structures to confine dangerous animals must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than one (1) foot, and the structure must be located at least ten (10) feet away from any property line. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City and with Section 55.02 of this chapter. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

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No ~~dangerous~~ animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

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2. Insurance. The owner of any ~~dangerous~~ animal shall provide proof to the City Clerk of general liability insurance of not less than \$500,000.00 per occurrence for bodily injury to or death of any person or persons or for damage to property which may result from the ownership, keeping or maintenance of such ~~dangerous~~ animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (10) calendar days' written notice is first given to the City Clerk.

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3. Signs. All owners of ~~dangerous~~ animals that are dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel, pen or other enclosure of such animal.

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4. Identification. All owners of ~~dangerous~~ animals must provide to the City Clerk two color photographs of the animal clearly showing the color and approximate size of the animal.

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5. Reporting Requirements. All owners of ~~dangerous~~ animals must report within ten (10) calendar days of its occurrence the following information in writing to the City Clerk:

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A. The removal from the City or death of a ~~dangerous~~ animal;

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B. The new address of a ~~dangerous~~ animal owner if the owner moves within the City limits or if the ~~dangerous~~ animal is sold or transferred to another owner.

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6. Inspection. All owners of ~~dangerous~~ animals are subject to periodic inspections to the premises which house the ~~dangerous~~ animal to assure compliance with the provisions of this Ordinance.

7. Repeat Offenses. If an animal deemed to be ~~dangerous~~ commits repeat violations of Section 55.01(6) within a thirty-six (36) month timeframe or displays behavior of a vicious animal, as that is defined in Section 55.01(14), the Police Chief or their designee is granted authority to require an owner of the animal to permanently remove the animal from the City in accordance with Section 55.12.

**55.10. RESCUE AND IMPOUNDING OF ANIMALS.** Whenever an animal is found to be either running at large, neglected, abused, in need of rescue or kept in violation of this chapter, an animal control officer may impound the animal at a veterinary clinic or animal shelter. The owner of the animal shall be responsible for actual costs attributed to the care and maintenance of the animal. In addition to those costs, the owner of the animal shall be responsible for the payment of the administrative fee as set out in the Appendix to this Code of Ordinances.

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**55.11. REDEMPTION OF IMPOUNDED ANIMALS.** Impounding costs and administrative fees shall be established by resolution of the Council as may be necessary to recover all costs, fees, and charges incurred by the City for impounding and maintaining the animal. All costs shall be paid before the animal is released.

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**55.12. DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

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*(Code of Iowa, Sec. 351.37, 351.41)*

**55.13. DISPOSITION OF VICIOUS ANIMALS.** When there is reasonable cause to believe that an animal is vicious, the Police Chief is granted the independent authority to require an owner of an animal to permanently remove the animal from the City. Such requirement will be directed in writing to the owner (the "removal Notice") and the owner will immediately comply. If an owner contests that an animal is a vicious animal, the owner may petition the Council within three (3) business days of the Removal Notice and request a hearing on the matter. The hearing shall take place at the next regularly scheduled meeting of the City Council. However, from the time of Removal Notice and through the time of a hearing, the owner must comply with the written directive and keep the animal outside of the City. If upon written notice, an owner refuses to remove or at any time brings or keeps the animal in the City, an animal control officer may take custody of the animal and the animal may be held in impound until a hearing is held. The animal owner will be responsible for all costs associated with impounding and boarding the animal until the time of the hearing. If after a hearing, the Council determines the animal to be a vicious animal, the animal may be euthanized or humanely killed if it is found to be in the City and the owner shall be responsible for the costs. If after a hearing, the Council determines that the animal does not meet the definition of a vicious animal but is instead a dangerous animal, the Council may impose the requirements of Section 55.08 (Keeping of Dangerous Animals). If the animal has been impounded pending this determination, the owner shall be responsible for such costs. The provisions of this section do not prohibit the immediate destruction of a vicious animal which is in the act of threatening public safety or which cannot be expeditiously apprehended without substantial risk to any person.

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**55.14. DUTY TO REPORT ANIMAL ATTACKS OR SUSPECTED RABIES.** It is the duty of any person who has knowledge of an animal that has bitten or attacked a person, or is suspected of having rabies, to promptly report the information to a peace officer with the Nevada Public Safety Department. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animals known or suspected to be suffering from rabies.

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**61.04 STANDARDS.** Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

*(Code of Iowa, Sec. 321.255)*

**61.05 COMPLIANCE.** No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the Code of Iowa.

*(Code of Iowa, Sec. 321.256)*

**61.06 TAMPERING WITH OR STRIKING RAILROAD TRAFFIC CONTROL DEVICES.** It is unlawful for any person to tamper with, remove, alter, deface or damage a railroad traffic control device, including a railroad median barrier. It is further unlawful to operate a vehicle in such a manner that any part of the vehicle or its cargo strikes a railroad median barrier, cross arm, signal light, warning horn, warning bell or any other component part of a railroad signal device.

1. In addition to the civil or criminal penalties that may be imposed upon conviction, the Court shall order the defendant to make restitution to the City for the actual cost to repair or replace the damages.

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2. Because of the potential for serious personal injury or death that arises from a violation of this section, upon conviction, the Court shall consider imposing a jail sentence if the offense is charged as a criminal misdemeanor and if requested by the City. If the offense is charged as a Municipal Infraction, the Court shall impose the maximum monetary civil penalty allowed by this Code, any other provision to the contrary notwithstanding, and no part of the penalty shall be suspended or reduced by the Court. Furthermore, if the offense involves striking, damaging or defacing a railroad median barrier and is charged as a Municipal Infraction, the Court shall additionally order the defendant to permanently refrain from striking, damaging or defacing any such barrier in the future. A violation of such an order may be prosecuted and punished as a contempt of court proceeding.

*(Ord. 927 – Jan. 09 Supp.)*

**61.07 DAMAGE, REMOVAL OR ALTERATION.** It is unlawful for any unauthorized person to tamper with, remove, alter, deface or damage any other traffic control device not included within Section 61.06 above. In addition to the civil or criminal penalties that may be imposed upon conviction of this section, the Court shall order the defendant to make restitution to the City for the actual cost to repair or replace the damage or \$100.00, whichever is greater.

*(Ord. 927 – Jan. 09 Supp.)*

## CHAPTER 68

### ONE-WAY TRAFFIC

**68.01 ONE-WAY TRAFFIC REQUIRED.** Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

*(Code of Iowa, Sec. 321.305)*

*(Ord. 959 – Jul. 10 Supp.)*

1. (Reserved for Future Use).....
2. (Reserved for Future Use)  
*(Ord. 935 – Jan. 09 Supp.)*
3. The alley between Eleventh (11<sup>th</sup>) Street and Twelfth (12<sup>th</sup>) Street shall be southbound only between K Avenue and Lincoln Highway.
4. K Avenue shall be westbound only between Fifth (5<sup>th</sup>) Street and Fourth (4<sup>th</sup>) Street.

**Deleted:** The alley east of Gates Hall shall be southbound only between the property belonging to the Nevada Community School District and H Avenue....

## CHAPTER 69

### PARKING REGULATIONS

69.01 Park Adjacent to Curb  
69.02 Park Adjacent to Curb – One-way Street  
69.03 Angle Parking  
69.04 Angle Parking – Manner  
69.05 Parking for Certain Purposes Illegal  
69.06 Parking Prohibited  
69.07 Persons With Disabilities Parking  
69.08 No Parking Zones  
69.09 Parking Limited

69.10 All Night Parking Prohibited  
69.11 Truck and Boat Parking Limited  
69.12 No Overnight Parking  
69.13 Continuous Parking Prohibited  
69.14 Snow Emergency  
69.15 Parking on Private Property Prohibited  
69.16 Special Permit Parking  
69.17 Fire Lanes  
69.18 Passenger Loading and Unloading Zones

Deleted: In City Hall Parking Lot

**69.01 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.02 PARK ADJACENT TO CURB – ONE-WAY STREET.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.03 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

1. Sixth (6<sup>th</sup>) Street on both sides from north of the intersection with I Avenue to south of the intersection with N Avenue;
2. J Avenue on both sides from Fifth (5<sup>th</sup>) Street to Seventh (7<sup>th</sup>) Street;
3. K Avenue on both sides from Fifth (5<sup>th</sup>) Street to Seventh (7<sup>th</sup>) Street;
4. Fifth (5<sup>th</sup>) Street on the east side beginning 57 feet north of F Avenue right-of-way line to a point 177 feet north of F Avenue right-of-way line.
5. F Avenue on the north side beginning 32 feet east of the Fifth (5<sup>th</sup>) Street right-of-way line to a point 108 feet east of the Fifth (5<sup>th</sup>) Street right-of-way line.

**69.04 ANGLE PARKING – MANNER.** Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load



74. The south side of K Avenue from Thirteenth (13<sup>th</sup>) Street to Fifteenth (15<sup>th</sup>) Street.
75. The east side of Fourth (4<sup>th</sup>) Street from H Avenue to I Avenue.
76. The north side of I Avenue from Tenth (10<sup>th</sup>) Street to Eleventh (11<sup>th</sup>) Street.
77. All of West K Avenue east of West Eighteenth (18<sup>th</sup>) Street.
78. The north side of K Avenue from Seventh (7<sup>th</sup>) Street to Ninth (9<sup>th</sup>) Street.  
(Ord. 919 – Feb. 08 Supp.)
79. The north side of Apache Street from the west-end hammerhead turnabout to Osage Drive.
80. The east side of Sioux, Pueblo and Cheyenne Drive from Apache Street to the north-end hammerhead turnabout on Sioux Drive.
81. All of the hammerhead turnabout located on the north end of Sioux, Pueblo and Cheyenne Drive.
82. All of the hammerhead turnabout located on the west end of Apache Drive.
83. The north side of South I Avenue from South Eleventh (11<sup>th</sup>) Street to the west.

(Ord. 997 – Jan. 18 Supp.)

**69.09 PARKING LIMITED.** It is unlawful to park any vehicle on the following streets, parking lots, or portion thereof during the time periods indicated or for longer than the time limit indicated:

1. On the south side of F Avenue between Fifth (5<sup>th</sup>) and Sixth (6<sup>th</sup>) Streets, from the centerline of the north/south alley to a point 95 feet west, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
2. (Reserved for Future Use) (Ord. 934 – Jan. 09 Supp.)
3. In the City parking lots on Seventh (7<sup>th</sup>) Street between K Avenue and Lincoln Highway and Fifth (5<sup>th</sup>) Street between J Avenue and K Avenue, between the hours of 6:00 a.m. and 9:00 a.m. every Friday.  
(Ord. 934 – Jan. 09 Supp.)
4. (Repealed by Ordinance No. 920 – Feb. 08 Supp.)
5. On the north side of G Avenue 105 feet east of the Fifth (5<sup>th</sup>) Street right-of-way line to a point 145 feet east of the Fifth (5<sup>th</sup>) Street right-of-way line, between the hours of 6:00 a.m. and 4:00 p.m., Monday through Friday.
6. On the south side of J Avenue from Tenth (10<sup>th</sup>) Street to Ninth (9<sup>th</sup>) Street, between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:00 p.m., Monday through Friday when school is in session (bus loading zone).
7. (Reserved for Future Use) (Ord. 934 – Jan. 09 Supp.)

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<#>There are hereby designated and set aside parking spaces for the exclusive use of employees of the City of Nevada while transacting business within Gates Hall, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, the four (4) most westerly parking spaces located on the south side of the parking lot east of Gates Hall.  
(Ord. 905 – June 07 Supp.)



8. Limit of 10 minutes on the west side of Fifth (5<sup>th</sup>) Street from K Avenue to post office drive north of K Avenue.

9. Employee Only Parking. The off-street parking located on the west side of Seventh (7<sup>th</sup>) Street north of Lincoln Highway is hereby designated for the exclusive use of the employees of the City of Nevada.

*(Ord. 934 – Jan. 09 Supp.)*

10. On the south side K Avenue from Eighth (8<sup>th</sup>) Street 50 feet east of centerline of the intersection of Eighth (8<sup>th</sup>) Street and K Avenue and 25 feet west of centerline of the intersection of K Avenue and alley.

*(Ord. 906 – June 07 Supp.)*

#### 69.10 ALL NIGHT PARKING PROHIBITED.

*(Code of Iowa, Sec. 321.236 [1])*

1. All Night Parking Prohibited. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 a.m. and 6:00 a.m. of any day.

A. Sixth (6th) Street (Main), on both sides, from I Avenue to N Avenue.

B. K Avenue, on both sides, from Fifth (5th) Street to Seventh (7th) Street.

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C. J Avenue, on both sides, from Fifth (5th) Street to Seventh (7th) Street.

D. Seventh (7th) Street, on the west side, from J Avenue to Lincoln Highway.

E. Fifth (5th) Street, on the east side, from J Avenue to Lincoln Highway.

2. Parking Permit. Owners of a service or retail business with a storefront facing any of the restricted streets set forth in Section 69.10, and which business operates between the hours of 2:00 a.m. and 6:00 a.m. of any day, may be eligible to receive an annual parking permit(s) to allow its patrons to park near said business during the restricted hours, under the following terms and conditions:

A. Application for Permit. A permit application shall be submitted to the Police Chief on forms prescribed by the Chief. The application shall be accompanied by a one-time fee, payable via certified funds payable to the "City of Nevada", to cover administration fees in the amount of twenty dollars (\$20.00). If the application is approved, the applicant shall pay to the City of Nevada an annual fee of five dollars (\$5.00) for each permit the applicant is authorized to receive.

B. Permit. The annual permit shall be valid from September 1 through August 31 of each year. Any such permit shall be prominently displayed in the patron's vehicle, and shall only be valid if the vehicle

is parked near the applicant business. Permits shall be transferable from one vehicle to another. The Police Chief shall have the authority to cancel any such permit if privileges are being abused and/or if the permit is rendered inactive, upon ten (10) days' written notice to the permit applicant served by ordinary first class mail or personal service.

C. Lost or Stolen Permits. If a permit becomes lost or stolen, the permit applicant must immediately notify the Nevada Police Department. Replacement permits may be purchased for five dollars (\$5.00) each.

Exemptions. Vehicles properly displaying permits governed by this subsection shall be exempt from the application and enforcement of Section 69.10(1). All other laws and regulations shall apply to the vehicle, including, *inter alia*, the City's snow removal ordinance.

(Ord. 988A – Jan. 17 Supp.)

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**69.11 TRUCK AND BOAT PARKING LIMITED.** No person shall park a semi-tractor, semi-trailer, truck or truck trailer of over one (1) ton manufacturer's rated capacity, duly licensed as such, or any vehicle twenty (20) or more gross tons, or boats of any size or weight on any street or alley in the City adjacent to property classified by this Code of Ordinances as residential, or on Sixth Street from I Avenue to N Avenue. However, this section does not apply to semis, trucks or trailers being used for the purpose of delivering or collecting goods, wares, merchandise or materials when such vehicles are parked for a period of time not longer than is necessary for the expeditious delivery or collection thereof, nor does it apply to semis, trucks or trailers being used on construction sites.

**69.12 NO OVERNIGHT PARKING.** It is unlawful to park any vehicle in the following parking lots between the hours of 2:00 a.m. and 6:00 a.m., except for City owned vehicles and those owned or operated by on-duty City employees unless otherwise specified:

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1. City Hall-Public Safety Facility

2. Hattery Park

3. Mardean Park

4. Billy Sunday Field

5. Meadow Lane Shelter

6. Kiwanis Park

7. Krupp Park

8. SCORE- Overnight Parking allowed on a case-by-case basis

9. Harrington Park- Overnight Parking allowed on a case-by-case basis

Overnight parking at SCORE and Harrington Park shall only be allowed upon advanced written approval of the Police Chief or their designee.

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(Ord. 934 – Jan. 09 Supp.),

(Code of Iowa, Sec. 321.236(1))

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unloading school passengers at any time during the hours as designated by the signage.

*(Ord. 998 – Jan. 18 Supp.)*

**69.19 PARKING ON FRONT, SIDE AND REAR YARDS.** The regulations contained in this section apply to all residential zoned districts and residential real properties, regardless of zone, within the City.

1. Definitions. All other words and terms, not enumerated in this section shall be defined as provided in the Zoning Ordinance, any amendments thereto or any future zoning ordinances enacted by the City.

A. “Driveway” means an improved surface consisting of concrete, asphalt, seal coat, solid bricks, gravel, or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway or soil beneath from the operation or parking of vehicles thereon, located within a yard and connected to an approved curb drop or entrance.

B. “Driveway extension” means that portion of a driveway which is in excess of the allotted driveway width, which is contiguous to a driveway, which shall lead to a curb drop, and which consists of concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and maintained in quality, quantity, and size to prevent the creation of ruts in, or deterioration or damage to, the driveway extension or soil beneath from the operation or parking of vehicles thereon.

C. “Front yard” for a corner lot means any yard of a corner lot adjacent to the street. For any other lot, “front yard” means any yard adjacent to a street.

D. “Temporary” or “temporarily” means a period of time not to exceed 48 hours.

E. “Trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle. Whenever the term “trailer” is used in this section, it shall be construed to include semi-trailers.

F. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley, and does not include any device designed to be moved solely by human power.

2. Parking on Front Yards. It shall be unlawful for any person to park a vehicle, recreational vehicle, machinery or equipment, or trailer in the front yard of any residential lot, unless said property is parking completely upon a driveway or driveway extension. However, this shall not apply to vehicles, recreational vehicles,

machinery, or equipment, or trailers being used to move, deliver and/or take articles to and from a yard or building or structure located thereon or used in connection with providing a temporary service thereon while in the active process of such uses.

3. Parking on Side and Rear Yards. It shall be unlawful for any person, corporation, or legal entity to park a vehicle, recreational vehicle, machinery or equipment, or trailer in the side or rear yard of any residential lot unless it is on an improved surface consisting of solid concrete, asphalt, solid bricks, crushed stone or gravel.

4. Exceptions. This section shall not be construed to prohibit the occasional parking on the unimproved area of the front yard for special events, for vehicles and trailers temporarily parked for transfer of property, for vehicles and trailers temporarily parked while actively servicing or maintaining the property, or to allow for snow removal in the parking areas.

5. Violations. Any violation of this section constitutes a threat to the health and safety of residents and shall be declared a nuisance within the meaning of Section 657.1 of the Code of Iowa. Any person, corporation, or legal entity who is the owner, whether the legal or equitable title holder, of property in violation of this section shall be prima facie liable for said violation. The City may abate said nuisance in accordance with the procedures set forth in Chapter 50 of these ordinances or by issuing a municipal infraction in accordance with Chapter 4 of these ordinances.

[The next page is 401]

3. The City may at its sole discretion require that a property owner connect a sump pump drain to the storm sewer or to a collector line when provided by the City or a developer when it is adjacent to the property owner's property.

4. The effective date of this section shall be retroactive to the November 26, 2007, effective date of Ordinance No. 914 "Sump Pump Drainage" and all permits and other actions taken under that ordinance shall remain in full force and effect.

(Ord. 974 – Sep. 13 Supp.)

**103.16 PENALTIES FOR VIOLATIONS.** A violation of any provision of this chapter is declared a public offense and the violator may be charged with a criminal simple misdemeanor or a civil municipal infraction. Civil penalties for municipal infractions shall be fixed by the Council and published in the Appendix to this Code. Each day the violation continues shall constitute a separate, distinct offense or violation. Service of the Section 103.14 "Notice of Violation" is not a prerequisite to charging the offender with a misdemeanor criminal violation or a civil municipal infraction.

**103.17 VIOLATIONS AS NUISANCES.** In addition to the enforcement processes and penalties provided in Section 103.16, any condition caused or permitted to exist in violation of any of the provisions of this chapter is declared to be injurious to the public health, safety and welfare and is declared a nuisance. As such, the same may be abated at the violator's expense by a civil action to abate, enjoin or otherwise compel the cessation of the nuisance, including an action to recoup the City's costs incurred for remediation of the condition, all in accordance with the provisions of Iowa Code Sections 364.12(3) and (4) and related laws of the State of Iowa and the City Code. Additionally, the City may seek appropriate abatement orders as a part of a prosecution for a civil municipal infraction.

(Ch. 103 – Ord. 950 – Jul. 09 Supp.)

**Deleted:** <#>Prior to every transfer of real property within the City, whether by Deed or Real Estate Contract and with or without consideration, the Grantor shall obtain from the City Building Official a Certificate of Sump Pump Inspection which shall be delivered to the Grantee at the time the Grantor is required to deliver the Grantor-Seller's Disclosure Statement pursuant to Iowa Code Section 558A.2(1). The cost of inspecting and testing shall be borne by the Grantor, unless the Grantee agrees to pay the cost. The Certificate shall state that the Building Official has inspected the below ground level, if any, and has determined one of the following conditions exist: (a) the sump pump drainage system complies with this section; (b) the system does not comply with this section, and must be brought into compliance prior to sale, stating the reasons therefor; (c) no sump pump drainage system has been installed in the lowest level of the premises; or (d) there is no basement or below ground level within the structure. If the Certificate of Sump Pump Inspection indicates that the real property is not connected to the City's Storm Water System (which, for purposes of this section, includes all collector lines, intakes and storm water piping), and there is a Storm Water System within one hundred (100) feet of the property, the property must be connected to the Storm Water System prior to the closing of the sale on the real property. The City or its designated contractor shall re-inspect and retest the discharge of water at this time and approve the same prior to closing on the real property. The costs associated with connecting to the Storm Water System and any corrections required to consider a property compliant shall be paid by the Grantor, unless the Grantee agrees to pay the cost, but shall not be the responsibility of the City. As between the Grantor, Grantee, and the City, once the property has been conveyed, both Grantor and Grantee shall be jointly and severally liable for a violation of this section and for bringing the sump pump drainage system into compliance with this section."

## CHAPTER 105

### SOLID WASTE CONTROL

105.01 Purpose  
105.02 Definitions  
105.03 Sanitary Disposal Required  
105.04 Health and Fire Hazard  
105.05 Open Burning Restricted  
105.06 Littering Prohibited

105.07 Open Dumping Prohibited  
105.08 Toxic and Hazardous Waste  
105.09 Waste Storage Containers  
105.10 Prohibited Practices  
105.11 Sanitary Disposal Project Designated  
105.12 Disposal of Yard Waste

**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. "Back yard burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
2. "Discard" means to place, cause to be placed, throw, deposit or drop.  
(Code of Iowa, Sec. 455B.361[2])
3. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
(IAC, 567-100.2)
4. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.  
(Code of Iowa, Sec. 455B.361[1])
5. "Open burning" means any burning of combustible materials where the smoke is released into the open air without passing through a chimney or stack. Recreational fires and cooking fires are not open fires.
6. "Open dumping" means the depositing of solid waste on the surface of the ground or into a body or stream of water.
7. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings,

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market and industrial solid waste and sewage treatment waste in dry or semisolid form.

*(IAC, 567-100.2)*

9. "Recreational Fire" means the burning of wood for pleasure or cooking, or religious purposes, as long as the total fire area is less than 4 feet in diameter and 4 feet in height, and at least 15 feet from the nearest structure, unless contained in a fire pit or commercially manufactured device for recreational fires.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes yard waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

*(IAC, 567-100.2)*

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

*(IAC, 567-100.2)*

13. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301)*

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

15. "Toxic and hazardous wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

16. "Wood" means the trunk, logs, and branches part of a tree with bark. It does not include leaves, grass, stumps, roots, or wood products such as lumber.

17. "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees, tree trimmings, branches, weeds, shrubbery and yard trimmings. Yard waste does not include tree stumps.

B. Attendance of Open Fires. Bonfires of yard waste shall be constantly attended by a competent adult until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

C. Periods Set. Periods of open burning are restricted to April 1 through May 15 and October 1 through November 20. Open burning during the period of April 1 through May 15 shall not commence before 8:00 a.m. and the fire must be fully extinguished by 7:00 p.m. Open burning during the period of October 1 through November 20 shall not commence before 8:00 a.m. and the fire must be fully extinguished by 5:00 p.m. The dates may be amended by the Fire Chief.

D. Chief May Prohibit. The Fire Chief may prohibit any and all bonfires under this subsection when atmospheric conditions or local circumstances make such fires hazardous.

E. Igniting Materials. Flammable or combustible liquids, accelerants and tires shall not be used to ignite any fire.

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

A. Attendance of Recreational Fires. Recreational fires must always be attended by a competent adult until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

B. Burning Material. Only seasoned and untreated fire wood can be burned for recreational fires (no construction waste, yard waste or trash).

C. Complaints. In the event of a call complaining of the smoke from a recreational fire, a fire officer will be sent out to investigate. It is within the fire officer's sole discretion on whether smoke from a recreational fire is a nuisance. If the officer believes it to be a nuisance, the fire will be extinguished by the Fire Department.

*(IAC, 567-23.2[3e])*

6. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources, and provided that the Air Quality Bureau has been notified and proper documentation has been filed and forwarded to the City Administrator.

*(IAC, 567-23.2[3g])*



7. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3h])*

8. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

9. Agricultural Fields. Agriculture fields or grass parks may be burned for the maintenance of native grass and controlling natural growth along fence rows and drainage ditches.

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3j])*

11. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**105.06 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.07 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

*(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)*

**105.08 TOXIC AND HAZARDOUS WASTE.** The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel. Yard waste shall be kept in the same location as residential waste and commercial waste, except that the same shall be placed at curbside for pickup not more than twenty-four (24) hours prior to pickup.

3. Garbage Receptacles. Garbage shall not be set outdoors for the collection and disposal, or for any other purpose, except when fully contained in a water-tight and tightly closed hard receptacle that cannot be ripped open by birds or beasts. Setting out garbage in plastic bags or paper sacks is prohibited. Containers that shed rain when their lids are completely closed shall satisfy the requirement for watertight receptacle.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

**105.10 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.11 SANITARY DISPOSAL PROJECT DESIGNATED.** The Resource Recovery System operated by the City of Ames and/or any other sanitary disposal project located within the Central Iowa Waste Management Association's Planning Area and which the City of Ames has made arrangements with for disposal are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.12 DISPOSAL OF YARD WASTE.** Yard waste shall be disposed of as follows:

1. By delivery to a licensed collector.

immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.05 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than twice each week. Yard waste shall be collected from residential, commercial, industrial and institutional premises at least once each week.

**106.06 LOCATION OF CONTAINERS.** Containers for the storage of solid waste, except yard waste, awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served. Yard waste shall be stored with other solid waste except that the same shall be presented to the curb in a marked container as designated by each hauler not sooner than 24 hours prior to pickup.

**106.07 BULKY RUBBISH.** Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

**106.08 YARD WASTE.** Yard waste may be collected provided it is stored in containers as provided in Section 105.09 of this Code of Ordinances so as to prevent the dispersal of such waste upon the premises served or upon adjacent property or public rights-of-way. Brush and tree trimmings shall be securely tied in bundles not more than four feet in length and not more than two feet in diameter. The bundles shall be bound by means of hemp, sisal, cotton or other non-metallic, biodegradable cord material. No single piece of brush or tree trimmings shall be more than three inches in diameter. Yard waste shall be separated from garbage or refuse. Yard waste shall not be mixed with garbage or refuse. The weight of any individual container or bundle shall not exceed sixty-five (65) pounds.

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**106.09 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.10 COLLECTOR'S LICENSE.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
  - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
  - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

(Code of Iowa, 453A.13 & 453A.47A)

**121.07 PERSONS UNDER LEGAL AGE.** No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under ~~twenty-one~~ (21) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

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1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

**121.08 SELF-SERVICE SALES PROHIBITED.** Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the

2. "Maintain" or "maintenance" means the duty to repair or remove and replace a public sidewalk, or a portion of a public sidewalk, with all work to be performed in accordance with established City Construction Specifications in effect at the time the work is commenced, rendering the sidewalk free from defect.
3. "Person" means an individual, partnership, corporation or other business entity and any governmental body. It shall refer to an owner of property and to all contractors and sub-contractors performing sidewalk work for an owner within the City.
4. "Property owner" or "owner" means the record holder of legal title, the contract purchaser, if any, the holder of a Sheriff's Certificate or Sheriff's Deed or in the case of a parcel of real property that is subject to a pending foreclosure action by a creditor or mortgagee, the creditor or mortgagee in addition to the owner.
5. "Sidewalk" means the paved portion of that area between the curb lines of the roadway and the adjacent property lines intended for the use of pedestrians, including all permanent, public walks in business, residential or suburban areas.

*(Ord. 930 – Jan. 09 Supp.)*

**136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.** It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours of the last snow fall, the City may do so and provide an itemized and verified statement of the costs. The costs shall be assessed against the property as taxes. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk. Under extreme weather conditions, the Public Works Director may provide additional time for abutting property owners to remove snow, ice, and accumulations from the sidewalk.

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*(Code of Iowa, Sec. 364.12(2b & e))*

**Deleted:** and assess the costs against the property owner for collection in the same manner as a property tax. \*

#### **136.04 DUTY TO MAINTAIN.**

1. **Owner's Obligation.** The owner of any property abutting a public sidewalk shall maintain the sidewalk in a safe condition, in a state of good repair and free from defects. The abutting property owner shall be liable for damages caused by failure to properly maintain the sidewalk. In the sole discretion of the City and if funds and personnel are available for the same, the Building Official may, but is not required to, conduct voluntary inspections of City sidewalks to assure that the owners of property abutting sidewalks are complying with the maintenance requirements imposed by this section. If, through voluntary inspection or otherwise, it comes to the attention of the Building Official that an owner of property abutting a sidewalk is not complying with the maintenance requirements imposed herein, the Building Official shall cause to be served upon the property owner, by certified mail-return receipt and by ordinary first class mail addressed to the property owner's

last known address as shown by the records of the County Auditor, a notice that if the property owner does not cure the defects in the sidewalk within 60 days from the date of the notice, the Building Official may, in the sole discretion of the City Council, do so and assess the costs of such work against the property to be collected as taxes pursuant to Section 136.05(1). Notice shall be complete upon mailing.

2. **Failure to Complete; Penalties.** Failure of the abutting property owner to complete the maintenance or repairs within 60 days of the date of notice shall constitute a municipal infraction punishable by a monetary penalty established by the City Council in the Appendix to this Code and shall be available to the Building Official as a remedy in addition to all other remedies in this section and otherwise provided by law.

3. **Barricades Authorized; Penalties.** In the sole discretion of the City Council and if funds and personnel are available for the same, the Building Official or his or her designee may, but is not required to, place barricades or other devices or materials in such places as may serve to protect the public from sidewalks that are not in compliance with the maintenance requirements imposed by this section. If such protective devices are placed by the Building Official, they shall not be removed until all sidewalk defects are corrected. Premature removal of the protective devices shall constitute a municipal infraction punishable by a monetary penalty established by the City Council in the Appendix to this Code and shall be available to the Building Official as a remedy in addition to all other remedies in this section and otherwise provided by law.

4. **Records Kept.** For a period of three years from the date of the following actions or events, the Building Official shall keep records of all sidewalk complaints received, all voluntary sidewalk inspections conducted, notices to cure defects mailed to property owners, protective devices placed and sidewalk work done by the City and shall make the records available at a reasonable cost to all persons who claim to have been damaged or injured as a result of the failure to maintain a sidewalk by an abutting property owner.

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5. **Recreational Trails Exempt.** This section shall not apply to multi-use recreational trails.

6. Liability. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

(Ord. 930 – Jan. 09 Supp.)

#### **136.05 AUTHORITY TO ORDER REPAIRS, FINANCING AND INSPECTIONS.**

1. **Council May Order Repairs or Construction.** The City Council may, on its own initiative, by petition from an interested citizen or by request from the City Administrator or Building Official, approve or order the construction

2. **Permit and Inspection Required.** No person shall construct, reconstruct or remove any sidewalk either for the purpose of rebuilding or replacing the sidewalk whether ordered by the City Council or not, or proceed with the work of removing the present sidewalk, excavating, filling or depositing material for the construction or reconstruction of any sidewalk, unless such person shall first obtain a building permit from the Building Official as required by City Code Section 135.10. Any person requesting a permit to construct, reconstruct or remove any sidewalk shall, upon application for the permit, agree that he or she will, in the removal, construction, reconstruction or repair of such sidewalk, comply with this Code, with other related City ordinances and with the specifications for sidewalks as prepared by the City and approved by the City Council. Such work shall be done under the direction, supervision and subject to the inspection and approval of the Building Official.

3. **City Staff and City Contractors Exempt.** City work forces and City contractors are exempt from the permit requirement when engaged in the construction or reconstruction of sidewalks at the direction of and on behalf of the City.

*(Ord. 930 – Jan. 09 Supp.)*

**136.08 FAILURE TO OBTAIN PERMIT; REMEDIES.**

Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Public Works Director shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the Public Works Director shall have the work completed and the costs assessed to the property owner.

*(Ord. 930 – Jan. 09 Supp.)*

Deleted: [RESERVED FOR FUTURE USE]

**136.09 [RESERVED FOR FUTURE USE]**

*(Ord. 930 – Jan. 09 Supp.)*



**136.19 CURB EXTENSION.**

**1. Definition.** A Curb Extension is formed by an angled narrowing of the roadway and a widening of the sidewalk and is a traffic calming measure which widens the sidewalk for a short distance. Thus, reducing the crossing distance, allowing pedestrians and drivers to see each other when parked vehicles would otherwise block visibility.

Field Code Changed

**CHAPTER 140****PARKLETS**140.01 Intent and Purpose140.02 Permit Required140.03 Definitions140.04 Permit Requirements and Fees140.05 Permit Application and Site Plan Approval140.06 Construction of Parklet Improvements140.07 Parklet Operation and Conditions140.08 Dates and Hours of Operation140.09 Taxes, Assessments, Operating Costs140.10 Indemnity and Insurance Requirements140.11 Denial, Revocation and Suspension of Permit140.12 Appeals**140.01 INTENT AND PURPOSE.**

The establishment of a program for the siting, installation, construction, operation, use, maintenance and repair of parklets is designed and intended to facilitate the conversion of inactive and often underutilized on-street parking spaces into publicly-accessible open space available for the general public to enjoy within a system of conditions. Parklets are located within a public right-of-way, and may include tables, seating, umbrellas, landscaping, food and beverage service and sun shade, all of which are intended to enhance the quality of the pedestrian experience. The program for parklets is designed to provide a path for merchants to take individual action in the development and beautification of the city's public realm and are further intended as an aesthetic enhancement to the streetscape, providing an economical solution to the need for increased public open space and encouraging of walking by providing amenities like seating, planting, bike parking, and art. Parklets may also be used as an extension of services for restaurants to offer seasonal outdoor patio services for patrons.

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**140.02 PERMIT REQUIRED.**

Operating a parklet within the public rights-of-way of the city without a permit and a parklet revocable license executed by the permittee and city, and paying the appropriate fees, costs and charges relating thereto in accordance with the provisions of this chapter is prohibited. A parklet, permitted and operated in accordance with this chapter shall not be considered an obstruction of a public right-of-way.

**140.03 DEFINITIONS.**

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meanings indicated:

1. "Applicant" means a person or entity that has applied for approval of a parklet site plan. The applicant shall include, jointly and severally, both (i) the owner or operator of the qualifying business and (ii) the fee simple owner of the real property upon which the qualifying business is

situated. After approval of the permit for the parklet and the parklet site plan by the City and execution of a parklet revocable license authorizing the design, construction, installation, use, maintenance and removal of the parklet, the applicant shall be known as the "permittee".

2. "Parklet" means the platform installed by a permittee over parking spaces adjacent to a sidewalk area upon which tables, chairs, umbrellas, landscaping, benches and other accessory components may be placed to create an enhanced pedestrian experience for the general public and patrons of the permittee's adjacent business, providing an area within which the pedestrian experience along the public right-of-way may be amplified and enhanced by offering an area with which one might sit, rest, recreate or indulge in open air dining and beverage experience. The term parklet, when permitted, also includes the ongoing obligation of maintenance, repair, operation and removal of the parklet improvements in accordance with the terms and conditions of this chapter. Parklets and the parklet revocable license must be undertaken at the sole cost and expense of the permittee. The parklet shall be located no farther than one hundred fifty (150) feet from any portion of the qualifying business.

3. "Parklet improvements" means the improvements identified on the approved parklet site plan, which such improvements may, but shall not necessarily include parklet platform, tables, chairs, umbrellas, and other accessory equipment to the project, railings, seating, landscape or streetscape elements, soft-hit poles, wheel stops, etc.

4. "Parklet license area" means the area described in the approved parklet site plan, such license area being within a public right-of-way, including the air space with which the parklet improvements identified in the parklet revocable license shall be constructed, and within which the parklet will be operated and maintained for the purpose of accommodating the general public and the patrons of permittee's adjacent business.

5. "Parklet revocable license" means the instrument that the permittee and City must execute after approval of the parklet location and parklet site plan. The parklet revocable license shall outline the terms and conditions required for the implementation of the construction, installation, use, operation, maintenance and removal of the parklet after approval by the department.

6. — “Parklet site plan or site plan” means the site plan prepared by the applicant and approved by the City and incorporated into the parklet revocable license that authorizes the design, construction, installation, operation and maintenance of the parklet. Approval of the site plan does not relieve permittee of proceeding with all other governmental approvals otherwise applicable to the construction, installation, use, operation and maintenance of the parklet, including building permits under the City's Building Code and engineering permits under the City's regulations. A copy of the approved parklet site plan shall be attached to the parklet revocable license authorizing the parklet and shall be filed with the City.

7. — “Permittee” means, jointly and severally, (i) the owner or operator of the qualifying business, and (ii) the fee simple owner of the real property upon which the qualifying business is situated, whom have been approved for a parklet permit and parklet site plan, and have received a parklet revocable license authorizing the design, construction, installation, use, maintenance and removal of a parklet.

8. — “Qualifying business” means the business located no farther than one hundred fifty (150) feet from the parklet where the owner or operator of the qualifying business is one of the two applicants for the permit to construct, install, operate, use, maintain, repair and remove the parklet.

#### **144.04 PERMIT REQUIREMENTS AND ASSOCIATED FEES.**

The following are permit requirements and associated fees needed to obtain a parklet permit:

1. — A permit for a parklet shall be issued only to the permittee who shall include, jointly and severally, (i) operator of the qualifying business; and (ii) the fee simple owner of the real property upon which the qualifying business is located.

2. — The application fee and annual permit fee for establishing, operating and maintaining a parklet shall be determined by the City Council and set forth in a resolution.

#### **140.05 PERMIT APPLICATION AND SITE PLAN APPROVAL.**

The following are permit requirements and associated fees needed to obtain a parklet permit:

1. The application for a permit to construct, operate, use, maintain and repair a parklet shall be submitted to the City's planning and zoning department on a form provided by the department. The application shall include, but not be limited to the following information:

A. Name, postal address, e-mail address and phone number(s) of the applicant;

B. The application shall be executed by (i) the owner or operator of the qualifying business and (ii) the fee simple owner of the real property upon which the qualifying business is situated;

C. A copy of the valid certificate of occupancy for the qualifying business;

D. A copy of the current liability insurance for the applicant and fee simple owner of property underlying the qualifying business;

E. A drawing (minimum scale of one (1) inch equals twenty (20) feet) showing the layout and dimensions of the proposed parklet license area and parklet and adjacent property, including the structures and improvements to be located on the parklet, proposed location, size and number of tables, seating, umbrellas, location of entries, location of trees, parking meters, parking spaces utilized, vehicular travel lanes, bus shelters, sidewalk benches, trash receptacles, landscaping, utility boxes, pole, guidelines and other sidewalk obstruction either existing or proposed within seventy-five (75) feet of the license area for the parklet;

F. Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects relating to the parklet improvements;

G. A plan for the maintenance and cleaning of the parklet license area; the tables and chairs located within the parklet area; any trash or food on or about the tables and chairs or sidewalk adjacent to the parklet improvements; and the disposal of any trash or debris generated from the operation and use of

the parklet by the general public and patrons of the permittee;

H. Any permits or approvals required from any other governmental agency necessary to operate the parklet;

I. Applications shall be accompanied by a non-refundable application fee which shall be credited to the first year permit fee, should the application be approved.

J. Eligible locations for parklets shall be limited to the following unless otherwise approved by the City's Planning and Zoning Department:

(1) Parklets shall be sited along the curb line on streets where on-street parking spaces exist. The parklet can be considered on any location where there are, or would be, space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking;

(2) Parklets are generally permitted on streets with a running slope (grade) of five (5) percent or less.

(3) Parklets shall be located on streets with traffic speeds of 25 mph or less;

(4) Parklets shall not block access to public utilities, hydrants, sidewalks, alleys or driveways.

2. The planning and zoning department shall review the materials in subparagraph above and grant approval, approval with conditions or denial of the application for a parklet. Approval of the parklet site plan under this section shall not relieve the permittee of the obligation of securing all required governmental permits necessary for construction of the parklet improvements, to the extent required, which such permits may include, but are not necessarily limited to a building permit and engineering permits under the City's regulation. A copy of the approved parklet site plan shall be placed and remain on file with the City.

3. At all times the permit for the approved parklet, parklet site plan and parklet revocable license shall be subordinate and inferior to the City's superior interest in maintaining the public right-of-way underlying the parklet. In the event that any conflicts should ever arise between the City's superior interest as aforesaid and the operation, use, maintenance and repair of the parklet, then, in that event, the rights of the City's use

and obligation of maintaining the public right-of-way for its superior intended purpose shall prevail over that of the permittee and the permittee shall not be entitled to any compensation for interference with the operation and use of the parklet. The permitted shall gain no property right or contract right to the continued operation and use of the parklet.

4. In the event the permittee desires to make modifications to the parklet site plan or parklet improvements after initial approval is granted under subsection (2) above, such proposed modifications shall be submitted to the planning and zoning department for review and approval following the processes set forth above. Approval of such modification shall be granted, granted with conditions or denied by the department.

#### **140.06 CONSTRUCTION OF PARKLET IMPROVEMENTS.**

1. The parklet license area shall be used as the site for the construction, maintenance and repair of the parklet improvements and the use and operation of the parklet and shall be used for no other purpose whatsoever, unless otherwise approved by the City. The permittee shall construct the parklet in accordance with the following terms and conditions:

A. The permittee shall prepare construction plans and specifications based on the parklet site plan approved by the planning and zoning department in accordance with the provisions set forth above. The construction plans and specifications shall be in accordance with the City's engineering standards and shall be submitted to the planning and zoning department for approval prior to submission of same to the appropriate government officials for issuance of applicable permits in accordance with applicable governmental regulations, including, but not limited to the Iowa Building Code, applicable unified land development regulations, applicable City Codes, and city engineering regulations.

B. After approval by the planning and zoning department, the construction plans and specifications shall be submitted by the permittee to the appropriate governmental officials for review and issuance of all applicable building and engineering permits in accordance with the laws, regulations and rules of all governmental entities with jurisdiction over the construction of the project improvements. A copy of the



approved plans and specifications shall be placed and remain on file with the City.

C. The permittee shall be responsible for all costs and fees associated with the planning, permitting and construction of the project. The permittee agrees that the location and finish grades of the improvements shown on the parklet site plan will be indicated on the site and approved by the planning and zoning department prior to commencement of construction.

D. Parklet construction and installation must be overseen by an insured, certified contractor.

E. The permittee is obligated to replace any and all landscaping and public improvements that are damaged as a result of the construction and installation of the parklet improvements utilizing the same quality of materials and workmanship as approved by the City.

#### **140.07 PARKLET OPERATION AND CONDITIONS.**

1. Depending on the nature of the permit requested and authorized, The parklet may be operated for the purpose of accommodating the public in general without charge or the patrons of the permittee, and may include providing open air dining and beverage service opportunities, provided, however, that nothing herein shall be construed as prohibiting the permittee from charging for the sale or service of food or beverage within the parklet license area for sales from the qualifying business.

2. Permittee shall preserve and protect all existing trees and plantings in the public right-of-way within the immediate vicinity of the parklet. Permittee shall be required to replace or mitigate entirely at permittee's expense, any damage to the public right-of-way or private property as a result of the parklet construction, installation, placement, operation, maintenance or removal.

3. General landscape maintenance attendant to the parklet should be performed on a regular basis at the permittee's sole cost and expense.

4. Awnings, umbrellas and other decorative material accessory to the parklet shall be fire retardant, pressure treated or manufactured of fire resistive material. Patio heaters or heat lamps shall be allowed on the parklet if pre-approved by the City's Fire Chief, or their designee.

5. Tables, chairs, umbrellas and any objects accessory to the parklet shall be maintained in a clean and attractive appearance, shall be in good state of repair at all times and shall be maintained in accordance with the approved maintenance plan and shall keep the landscaping and plants in a good, healthy and vibrant condition.

6. The parklet shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day in compliance with the approved maintenance plan.

7. No tables or chairs will be permitted within ten (10) feet of a pedestrian crosswalk. There must be a distance separation of no less than 2 feet separating the structure of the parklet and the adjacent travel lane.

8. The City may require the permittee to provide additional services beneath the parklet platform, including but not limited to pest abatement service and clearing of catch basin grates to allow proper storm drainage.

9. No portion of any object placed within the parklet boundary shall extend into an adjacent pedestrian sidewalk.

10. If the parklet includes planters, the planters must be placed within the parklet boundaries but must be secured to ensure that they do not move onto the adjacent unlevel sidewalk. No planters with wheels are to be permitted.

11. Tables, seating, umbrellas and any other items accessory to the parklet shall be of a quality, design and lasting materials, and workmanship both to ensure the safety and convenience of the users and to be compatible with the uses in the immediate vicinity of the parklet.

12. A permittee may sell and serve alcohol beverages in a parklet only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the parklet is listed on the alcohol beverage license application as being a part of the licensed premises. In such cases, alcohol may be served at the parklet under the following conditions:

A. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.

- B. The retail alcohol beverage license premises description includes the parklet in the description of the licensed premises as an extended area.
  - C. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the parklet.
  - D. Alcohol beverages are sold and served by the licensee or licensee's employees and sold or served only to patrons seated at tables in the parklet.
  - E. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.
  - F. Alcohol beverages may only be served at the parklet when food service is available through the licensed establishment.
  - G. The permittee shall be responsible for policing the parklet area to prevent underage persons from entering or remaining in the parklet, except when underage persons are allowed to be present on the licensed premises under applicable laws.
  - H. The area of the restaurant from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the parklet area, unless pre-approved by Police Chief, City Administration and City Council.
  - I. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the parklet area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the parklet between 12:00 a.m. and 8:00 a.m.
13. No smoking and/or use of tobacco of any kind shall be permitted within the parklet license area. The permittee shall purchase a minimum of two (2) "No Tobacco" signs for each entrance of the parklet.
14. No advertising signs or business identification signs shall be permitted within the parklet license area.

15. No food preparation, food or beverage station, refrigeration apparatus or equipment shall be allowed on the parklet unless authorized by the planning and zoning department as part of a special event.

16. No table or chair nor any other part of the parklet may be attached, chained, or in any manner affixed to any tree or city fixture, but may be affixed to the parklet structure.

17. If found necessary for the protection of health, safety and welfare of the public, the City Administrator or their designee may require the permittee to immediately remove or relocate all parts of the tables, chairs, umbrellas and equipment within the parklet license area. If the permittee fails to remove or relocate the tables, chairs and umbrellas as requested within a reasonable time as determined by the City Administrator, given the circumstances at hand, the city may remove or relocate same in emergency situations and the cost thereof shall be borne by the permittee.

18. Reflective elements are required at the outside corners of all parklets. Soft-hit posts are a standard solution deployed at the outside edges; however, the department will consider additional safety measures including bollards, reflective elements or other solutions incorporated into the parklet design if warranted.

19. For parklets in parallel parking spaces, a three-foot wheel stop or other appropriate "stops" such as planters must be installed one (1) foot from the curb at the edge of the front and back parking spaces. When parklets are installed adjacent to parallel parking spaces, wheel stops or other appropriate "stops" such as planters should be set back four (4) feet from the parklet improvements. For angled parking spaces adjacent to driveways, appropriate locations for wheel stops will be determined by the department. Wheel stops should be made of recycled rubber. Concrete wheel stops are discouraged.

20. Traffic safety devices, including but not limited to bollards may be required depending on existing conditions and site layout to properly protect the parklet and its patrons.

21. The permittee is responsible for the costs associated with removal of the parklet platform and accessories.

22. The city and its officers and employees shall not be responsible for parklet or parklet components relocated during emergencies.

23. Amplified or non-amplified music may be permitted within the parklet area, upon recommendation of the planning and zoning department and subject to the approval of the City Administrator, or their designee, as to the hours at which the music may be played, the volume settings, placement of speakers and any other facet of the projection of the music.

24. The permittee shall, at its sole cost and expense, remove the tables, chairs and umbrellas from the parklet area at the close of permittee's qualifying business each day, provided the tables, chairs and umbrellas are set back in the parklet license area by the opening of business (no later than 11:00 a.m.) the following day, except for inclement weather.

25. Parklets shall not be permitted in front of a fire hydrant, over a manhole, public utility valve or cover. A clearance of fifteen (15) feet shall separate parklets from fire hydrants.

26. Parklets shall be required to have soft-hit posts, wheel stops and barriers on all edges of the parklet platform.

27. The parklet shall be constructed and installed to conform to all applicable federal, state or county laws or regulations.

28. There shall be a minimum of two (2) feet wide clear path between the tables and/or seating within the parklet and any abutting sidewalks for pedestrians at all times.

29. The permittee shall keep on record with the department at all times, information on a contact person to be contacting during emergencies, such information on the contact person to include (i) name, (ii) mailing, (iii) e-mail address, (iv) telephone number both at work and residential.

30. The permittee shall have the continuing obligation of compliance with the Americans with Disabilities Act, as same may be amended from time to time.

31. The permittee shall, at its sole cost and expense, construct, operate, maintain and repair the parklet and parklet improvements and perform such acts and do such things as shall be lawfully required by any public body having jurisdiction over the parklet, parklet improvements and parklet license area will be installed, constructed, operated, used, maintained and repaired in order to comply with health and sanitary requirements, fire hazard requirements, zoning requirements, building code requirements, city

engineering standards, environmental requirements and other similar regulatory requirements.

#### **140.08 DATES AND HOURS OF OPERATION.**

1. Parklets shall be permitted from April 1<sup>st</sup> through October 31<sup>st</sup>, unless otherwise approved by the planning and zoning department. Parklets that have not been removed after October 31<sup>st</sup> may be removed by the City at the permittee's expenses.

2. The parklet shall only be open and available for serving permittee's patrons between the hours of 8:00 a.m. and 12:00 a.m.

#### **140.09 TAXES, ASSESSMENTS; OPERATING COSTS AND UTILITY CHARGES.**

1. The permittee shall pay or cause to be paid all applicable real estate taxes, assessments and other similar payments, usual or unusual, extraordinary as well as ordinary, which shall during the term be imposed upon, become due and payable, or become a lien upon the parklet or parklet license area or any part thereof, but specifically limited to such taxes or assessments which accrue after the effective date of the parklet revocable license. Permittee shall, upon request, exhibit a receipt for such payments to the City. Further, permittee shall pay or cause to be paid all operating expenses, such as those for light, electricity, charges for water, and all costs attributable to the maintenance and operation of all parklet improvements to be erected within the license area for the parklet or landscaping related thereto.

2. The permittee shall be responsible for securing separate meters or billing for all utilities consumed within the parklet license area. Permittee shall promptly pay when due all operating, construction, maintenance and servicing charges, expenses and costs, including telephone, gas, electricity, cable, telecommunications, water, and all other expenses incurred in the use and operation of the parklet. The accrual of utilities and operating costs under this subparagraph prior to termination of the parklet revocable license shall survive the termination of the parklet revocable license and remain the obligation of the permittee.

#### **140.10 INDEMNITY AND INSURANCE REQUIREMENTS.**

1. By execution of the parklet revocable license as a condition precedent to the installation, construction, use, operation, maintenance and repair of a parklet, the permittee shall protect, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all lawsuits, penalties, damages, settlements, judgments, decrees, costs, charges

and other expenses, including reasonable attorney's fees, or liabilities of every kind, nature or degree arising out of or in connection with the rights, responsibilities and obligations of permittee under the parklet revocable license, conditions contained therein, the location, construction, repair, maintenance, use or occupancy by permittee of the parklet license area, or the breach or default by permittee of any condition proscribed by this chapter or covenants or provisions of the parklet revocable license, except for any occurrence arising out of or resulting from the intentional torts or gross negligence of the City, its officers, agents and employees.

2. At all times while the parklet revocable license is in effect, the permittee, at its expense, shall keep or cause to be kept in effect the following:

A. Commercial general liability.

(1) Limits of liability:

Bodily injury and property damage liability:

Each occurrence-One million dollars (\$1,000,000.00)

B. Business automobile liability.

(1) Limits of liability:

Bodily injury and property damage:

One million dollars (\$1,000,000.00) combined single limit per occurrence

C. Employer's liability.

(1) Limits of liability:

One hundred thousand dollars (\$100,000.00) for bodily injury caused by an accident, each accident;

One hundred thousand dollars (\$100,000.00) for bodily injury caused by disease, each employee;

Five hundred thousand dollars (\$500,000.00) for bodily injury caused by disease, policy limit.

The permittee shall deliver to the City copies of all insurance policies required hereunder and proof of full payment thereof on or before the effective date of the parklet revocable license. From time to time, the permittee shall procure and pay for renewals of insurance required herein before it expires. The permittee shall deliver to the planning and zoning department the renewal policy at least twenty (20) days before the existing policy expires.

2. If the permittee fails to obtain and maintain insurance as required herein and such failure shall continue for a period of fifteen (15) days after notice by the department, the City may, but shall not be obligated to, effect and maintain



any such insurance coverage and pay premiums therefor, with the ultimate cost and expense thereof to be the responsibility of permittee.

**140.11 DENIAL; REVOCATION OR SUSPENSION OF PERMIT.**

1. The planning and zoning department may deny, revoke or suspend a permit for a parklet if it is found by the department that:

- A. Any required business or health permit has been suspended, revoked or cancelled.
- B. The permittee does not have the insurance that is correct and effective in the minimum amounts described in section 140.10.
- C. Violation of any of the conditions set forth in section 140.07, Parklet Operation and Conditions, or any other provision of the Nevada Code of Ordinances.
- D. The permittee has failed to correct violations of this chapter or conditions of the permit within three (3) days of receipt of the planning and zoning department's notice of same delivered in writing to the permittee by registered mail, return receipt requested to the last address provided by the permittee to the City.

2. The permit for a parklet may be suspended under the following conditions:

- A. In the event that the parklet revocable license granted herein shall (a) ever conflict with a superior municipal interest of the City or public, or (b) at any time the City requires the use of the parklet license area for a superior conflicting municipal purpose or (c) determines that continuation of the parklet revocable license granted herein is no longer in the best public interest, all as determined by the City Planning and Zoning Commission after at least fifteen (15) days advance notice to permittee that the matter will be considered by the City's Planning and Zoning Commission, then, in that event, the permit and parklet revocable license granted herein for the respective parklet license area shall be terminable, in whole or in part, at the will of the Planning and Zoning Commission.

B. In the event permittee is in violation of any material term or condition of this parklet revocable license, as reasonably determined by the City Administrator, or the permit granted herein or the actions of permittee or any of its agents, servants, employees, guests or invitees or the agents, servants, employees, or any of permittee's contractors, subcontractors or independent contractors conflict with a superior municipal interest of the City or the public, then, upon advance written notice to permittee of not less than seventy-two (72) hours where permitted is given an opportunity to be heard on the matters by the City Administrator, the authority granted by the parklet revocable license or permit may be temporarily suspended by the City Administrator for a period not exceeding fourteen (14) days.

C. In the event that emergent conditions arise within the parklet license area that present an imminent threat to the health, safety or welfare of persons or property, the City Administrator may temporarily suspend this parklet revocable license, in whole or in part, for a period not to exceed fourteen (14) days. In such a circumstance, twenty-four (24) hour advanced written notice shall be provided to permittee by registered mail, return receipt requested to the last address provided by the permittee to the City. In the event the condition persists for a period of seven (7) days, then this revocable license may be temporarily suspended for a period in excess of fourteen (14) days by action of the City's Planning and Zoning Commission.

3. Upon denial or revocation, the director shall give notice of such action to the permittee in writing stating the action which has been taken and the reasons therefor.

#### 140.12 APPEALS.

1. Appeal shall be initiated within ten (10) days of the effective date of the denial or revocation of the parklet permit by filing a written notice of appeal with the City Administrator.

2. The City Administrator shall place the appeal on the next available regularly scheduled City Planning and Zoning Commission agenda. At the hearing upon appeal, the City Planning and Zoning Commission shall

hear and determine the appeal, and the decision of the City Planning and Zoning Commission shall be final and binding and effective immediately.

3. The filing of a notice of appeal by a permittee shall not stay an order by the planning and zoning director, or their designee, to remove a parklet or parts thereof. Vestiges of the parklet, such as tables, chairs, umbrellas and things of a like nature shall be removed immediately as set out in this article pending disposition of the appeal and final decision of the City Planning and Zoning Commission.

## CHAPTER 145

### DANGEROUS BUILDINGS

145.01 Enforcement Officer	145.05 Conduct of Hearing
145.02 General Definition of <u>Dangerous</u>	145.06 Posting of Signs
145.03 Unsafe Building	145.07 Right to Demolish
145.04 Notice to Owner	145.08 Costs

Deleted: Unsafe

**145.01 ENFORCEMENT OFFICER.** The Zoning Enforcement Supervisor is responsible for the enforcement of this chapter.

**145.02 GENERAL DEFINITION OF DANGEROUS.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, dangerous buildings. All such dangerous buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

Deleted: UNSAFE

Deleted: unsafe

Deleted: unsafe

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**145.03 DANGEROUS BUILDING.** "Dangerous building" means any structure or mobile home meeting any or all of the following criteria:

Deleted: UNSAFE

Deleted: Unsafe

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be a dangerous building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

*(Code of Iowa, Sec. 364.12 [3h])*

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

3. Hearing Required for Demolition or Destruction. Whenever the Notice of Dangerous Building orders the owner to demolish, destruct or totally remove a dangerous structure in order to abate the nuisance, the Notice of Dangerous Building shall also inform the owner of record, contract purchaser of record and any mortgagee of record that a hearing on the question of whether or not the proposed remedy is appropriate will be held before the entire Council. The notice shall advise the above mentioned interested parties of the time, date and place of the hearing and shall advise the interested persons of their right to be present and offer evidence and testimony in opposition to the proposed action, without the necessity of requesting a hearing. The hearing shall be held not less than 15 days from the date the notices are mailed to or otherwise served on the interested parties, and within the time stated in the Notice of Dangerous Building. No destruction or demolition by the City shall commence until the Council has determined, by resolution, after hearing and notice to the above mentioned interested parties.

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that the building is dangerous and that the only appropriate remedy is the complete destruction, demolition and removal of the offending structure. In the alternative, the City may elect to abate the dangerous building by prosecuting an action in the Iowa District Court in and for Story County, Iowa.

**145.05 CONDUCT OF HEARING.** If requested, or required pursuant to Section 145.04(3), the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

**145.06 POSTING OF SIGNS.** The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF NEVADA, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**145.07 RIGHT TO DEMOLISH/ MUNICIPAL INFRACTION.** In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

*(Code of Iowa, Sec. 364.12[3h])*

**145.08 COSTS.** Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

*(Code of Iowa, Sec. 364.12[3h])*

**Deleted:** Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice...

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<sup>†</sup> **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

## CHAPTER 158

### PROPERTY MAINTENANCE AND RESIDENTIAL RENTAL CODE

#### 158.01 Purpose

#### 158.02 Adoption of Code

#### 158.03 Applicability

#### 158.04 Interpretation

#### 137.05 Findings Required

#### 137.06 Disposal of Vacated Streets or Alleys

#### 137.07 Disposal by Gift Limited

158.01 TITLE AND STATEMENT OF PURPOSE. The ordinance codified in this chapter is entitled as the "Property Maintenance and Residential Rental Code". The purpose of this chapter is to establish minimum regulations regarding the conditions and maintenance of rental properties, buildings, and structures. Standards outlined in Chapter 158 are to ensure that rental structures, buildings, and properties are safe, sanitary, and fit for occupation and use.

158.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended.

158.03 APPLICABILITY. Provisions within this chapter shall be applicable to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and accessory dwelling structures that are now in existence or hereafter constructed, rehabilitated, renovated, or converted to residential use within the corporate limits of the City of Nevada. Provisions within this chapter include, but are not limited to single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes regulated under 562A of the Iowa Code, accessory dwelling units and/or rooming/sleeping units with the following exceptions:

- a) Single-family dwellings which are occupied by the owner;
- b) Transient shelters, group homes and college dormitories subject to state licensing; and
- c) Hotels, motels, extended stay hotels and other similar uses subject to state licensing.

Provisions within this chapter shall also be applicable to the land and common areas that provide services to individual owner-occupied units where said land and common area is under the ownership of someone other than that of said owner occupied unit, including, but not limited to, mobile home parks, horizontal property regimes pursuant to Iowa Code 499B, and multiple housing cooperatives pursuant to Iowa Code 499A.

158.04 DEFINITIONS. The following terms are defined for the purposes of Chapter 158:



1. "Building and Zoning Official" means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.
2. "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. "Group homes" means those dwelling units which provide for the care of a group of persons, such as but not limited to a nursing home or treatment facility that are subject to state licensing.
4. "Inspection" means a review of a dwelling unit, building or structure for its compliance to adopted and relevant city codes.
5. "Minor" means an individual under the age of 18.
6. "Multi-family dwelling" means a building designed for or occupied exclusively by three or more families. This includes condominiums or individual dwelling units within the structure that are being rented or leased.
7. "Owner" means any person who, alone or jointly or severally with others shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner.
8. "Rental inspection certificate" means a certificate issued upon the inspection and certification of a dwelling unit and allows for that dwelling unit to be rented and occupied.
9. "Single-family dwelling" means a building designed for or occupied exclusively by one family.
10. "Tenant/Occupant" means any individual residing in a rental dwelling unit or having possession of a space within a rental dwelling.
11. "Transient shelters" means those units providing temporary or transitional residence for a period of thirty-one (31) days or less.
12. "Two-family dwelling" means a building designed for or occupied exclusively by two families. This includes condominiums or individual dwelling units within the structure that are being rented or leased.

158.05 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other

lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

**158.06 CODE ENFORCEMENT OFFICER.** It shall be the duty of the Building and Zoning Official, or other officially delegated and/or appointed by the City Administrator, who shall administer and enforce the provisions within this chapter and to conduct any required inspections or tests.

**158.07 REGISTRATION AND INSPECTION CERTIFICATION REQUIRED.** After the effective date hereof, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate.

1. Issuance. Following the submission of a rental registration application, on forms provided by the City of Nevada, and review of the residential unit for compliance with the provisions within this chapter, the Building and Zoning Official shall issue a rental certificate to the owner and/or agent. No certificate shall be issued until all inspections, registration and other fees have been passed, completed, and paid.
2. Owner and/or Agent Information Required. Owners of residential rental properties in the City, who reside in Story County or any county contiguous thereto, shall provide the Building and Zoning Department with their contact information including but not limited to:
  - a) Mailing addresses
  - b) Telephone numbers
  - c) Fax numbers; and
  - d) E-mail addresses

Owners of residential rental properties in the City who reside in any area other than described above, shall provide the department with the contact information of an individual over the age of eighteen (18) who shall reside in Story County or any county contiguous thereto, and who shall be designated as agent for scheduling inspections, receiving notice, and service of process.

3. Rental Inspection Certificate. Certificates shall be readily available for examination by prospective tenants, tenants, and the Building and Zoning Official at all times.
4. Certificate Duration and Validation. Certificate shall expire at the end of two (2) years following its date of issuance, or from the listed expiration date, unless suspended or revoked as hereinafter provided.
5. Certificate Renewal. Certificates shall be revoked if not renewed within thirty (30) days from the date of expiration. Renewal shall include an inspection of rental property for compliance to provisions within this chapter.
6. Transfer of Ownership. A notice to the Building and Zoning Department is required from the owner within ninety-six (96) hours after a rental property is

sold, transferred, conveyed, or otherwise disposed of ownership, interest, or control. Notices shall include the name and address of the person succeeding to the ownership and control thereof. Certificates are transferable as long as the succeeding property owner re-registers the rental property under their name and contact information. The succeeding property owner will have thirty (30) days to re-register said property at no cost. If the succeeding property owner fails to re-register the rental property within thirty (30) days, rental certification shall be revoked or suspended.

7. New Units. New construction projects, which have received final inspection approval and have been issued a Certificate of Occupancy, need not complete an inspection for a period of two (2) years from the issue date but shall register their property and provide their contact information to the City in order to be compliant with provisions in this chapter.
8. Crime-free Housing Training. All persons applying for a rental permit for residential property and/or the managers of the respective rental properties of four (4) or more rental units, shall have successfully completed mandatory crime-free management training, administered or certified by the city, prior to issuance of the rental housing occupancy permit. The permit will be issued only after successful completion of the training. A temporary occupancy permit may be issued to the property owner for a minimum reasonable period of time which the inspector determines is needed in order to complete training requirements.

**158.08 INSPECTION PROCEDURES.** The owner and/or agent shall schedule an inspection to be conducted by the Building and Zoning Department to ensure compliance with the requirements of this chapter.

1. Appointments. Appointments for inspections shall be scheduled by the applicant through the City during regular business hours and shall provide at minimum one (1) business day notice. The City may request for the appointment to be rescheduled. The owner and/or agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a rental certificate and thus compliance with the law. The owner and/or agent shall notify all tenants of the inspection in accordance with Chapter 562A, *Uniform Residential Landlord and Tenant Law*, of the Code of Iowa. Failure to notify tenants shall result in reinspection.

2. Inspection Schedule. The Building and Zoning Department shall seek to inspect every residential rental dwelling within the corporate limits of the City of Nevada every two (2) years. As part of the inspection process, the City may determine to extend or shorten the timeframe to the next scheduled inspection. Factors that may influence the City to inspect more or less frequently include, but are not limited to the following:

- a) Age and condition of dwelling
- b) Inspection history

- c) Tenant/management complaints
- d) Natural disasters such as flooding
- e) Timely inspection scheduling, follow-up, and fee payment by the owner
- f) In-house inspection and maintenance program by the owner that includes specific life/safety provisions

It shall be the responsibility of the owner and/or agent to ensure that their rental properties have a valid rental inspection certificate. The City may schedule inspection appointments with the owner and/or agent of the property by regular mail and/or email, a minimum of thirty (30) days in advance of the inspection. It shall be the owner and/or agent's responsibility to notify all tenants of the inspection date and time, in accordance with Iowa law.

3. Inspections shall not be conducted under the following circumstances and shall result in a reinspection:

- a) When a minor is serving on the behalf of the owner and/or agent
- b) When the inspection is against the will of the tenant without the building owner and/or agent present
- c) When no prior notice is given to the tenant, as is required by state law
- d) Without either the owner and/or agent, tenant of the dwelling, or the designated agent being present

4. Administrative Search Warrants. When under any section of this code it is necessary to enter in or upon any building, structure, land or other premises for inspection purposed or when there is reasonable cause to believe there exists in, at or upon a building, structure, land or other premises within the jurisdiction of the city a violation of any section of this Code enacted under police powers related to health or safety and a city officer or employee is authorized to conduct inspections has attempted to gain entry to any building, structure, land or other premises for the purpose of such inspection and has been refused such entry, the council in the exercise of its home rule powers authorizes the city attorney or their designee to make an application for an administrative search warrant in the name and authority of the city as provided by law.

**158.09 RENTAL HOUSING STANDARDS.** The Building and Zoning Official shall inspect each rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms, to determine whether the premises are safe for human habitation or whether they are deemed substandard as set forth below.

Substandard conditions shall include, but not be limited to, the following:

- 1. Lack of proper water closet, lavatory, bathtub or shower;
- 2. Lack of proper kitchen sink;
- 3. Lack of hot and cold running water to plumbing fixtures;
- 4. Lack of heating facilities;
- 5. Lack of or improper operations required ventilating equipment;
- 6. Lack of or minimum amounts of natural light and ventilation;
- 7. Lack of required electrical lighting;
- 8. Dampness of habitable rooms;

9. Infestation of insects, vermin or rodents;  
10. General dilapidation or improper maintenance;  
11. Lack of connection to the required sewage disposal system;  
12. Lack of adequate garbage and rubbish storage and removal facilities;  
13. Lack of valid minimum rental housing occupancy permit for the dwelling unit;  
14. Structural Hazards, including:  
    (a) Deteriorating or inadequate foundations;  
    (b) Defective or deteriorating flooring or floor supports;  
    (c) Flooring or flooring supports of insufficient size to carry imposed loads with safety;  
    (d) Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;  
    (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;  
    (f) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;  
    (g) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;  
    (h) Fireplaces or chimneys which list, bulge or settle due to material deterioration; and  
    (i) Fireplaces or chimneys which are insufficient size or strength to carry imposed loads with safety.  
15. Hazardous wiring. Hazardous wiring shall include all wiring, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;  
16. Hazardous plumbing. Hazardous plumbing shall include all plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphoning between fixtures;  
17. Hazardous mechanical equipment. Hazardous mechanical equipment shall include all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition;  
18. Faulty weather protection. Faulty weather protection shall include, but not be limited to, the following:  
    (a) Deteriorated, crumbling or loose plaster;  
    (b) Deteriorating or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors;  
    (c) Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and  
    (d) Broken, rotted, split or buckled exterior wall coverings or roof;

19. Fire hazards. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of Fire Department or his or her designee, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a fire hazards.

20. Faulty materials of construction. Faulty materials of construction shall include all materials of construction, except those which are specifically allowed or approved by this chapter and the building code, and which have been adequately maintained in good and safe condition.

21. Hazardous or unsanitary premises. Hazardous or unsanitary premises shall include those premises on which an accumulation or weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire health or safety hazards.

22. Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe or dangerous building in accordance with the Building Code of the city shall be deemed to be inadequately maintained.

23. Inadequate exits. All buildings or portion thereof not provided with adequate exit facilities as required by this chapter shall be deemed to have inadequate exits. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

24. Inadequate fire-resistive construction or firefighting equipment.

(a) Fire-resistive. All buildings or portion thereof which are not provided with the fire-resistive construction required by this chapter shall be deemed to have inadequate fire-resistive construction, except those buildings or portions thereof which the owner proves by clear satisfactory and convincing evidence:

(i) Conformed with all applicable laws at the time of their construction, conversion to rental dwelling unit status and increase in number of rental dwelling units; and

(ii) Whose fire-resistive construction has been adequately maintained and improved with any increase in number of dwelling units or occupant load, and with any alteration, addition or change in occupancy.

(b) Deemed inadequate. All buildings or portions thereof which are not provided with the fire extinguishing system or equipment required by this chapter shall be deemed to have inadequate fire extinguishing systems or equipment.

25. Improper occupancy. Improper occupancy shall include any occupancy of a building or portion thereof occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancy. Improper occupancy shall also include the occupancy of, or allowing the occupancy of, any dwelling unit for which there is not in effect a valid and current minimum rental

housing occupancy permit or a valid and current registration receipt with respect to said dwelling.

**158.10 MOBILE HOMES.** Mobile homes shall be regulated and inspected in accordance with the following classifications:

1. The class of mobile homes denoted as manufactured homes, as defined in 42 USC 5402(6), shall bear a data plate, serial number and certification label as required by Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development (1985) sections 3280.5, 3280.6 and 3280.8, or shall meet the requirements of section 3280.7.
2. Mobile homes manufactured from March 1973 through May 1976 shall bear the seal of the state.
3. Mobile homes manufactured prior to March 1973 shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
4. All other mobile homes not included in the classifications in sections (1) through (3) of this section shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
5. A mobile home showing no evidence of modification and generally well-maintained as set forth in this article, shall be issued an inspection certificate in the same manner as any other dwelling unit subject to this article.

**158.11 COMPLAINTS.** Unless there are significant health, safety, or general welfare issues, a tenant shall first file a written complaint to the owner or agent. Complaints shall be submitted in writing.

1. An owner or agent shall have seven (7) days to address the complaint.
2. If the complaint is not remedied to the tenant's satisfaction within seven (7) days of receiving said complaint, or if the complaint is of a significant health, safety, or general welfare issue, the Building and Zoning Official shall schedule an inspection with the tenant and owner.
3. No person shall pursue an action for eviction in retaliation for a complaint.
4. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off, or discontinued in retaliation for a complaint.

**158.12 REVOCATION AND SUSPENSION OF CERTIFICATES.** Any rental inspection certificate may be summarily revoked and/or suspended by the Board of



Adjustment upon the review of a notice of violation of any provision of this chapter or upon any outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Nevada.

**158.13 WITHHOLDING OR DENIAL OF CERTIFICATES.** Any rental inspection certificate may be withheld or denied by the Building and Zoning Department if an owner has outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Nevada, or if the inspection reveals any of the substandard conditions as set forth in Section 158.09.

**158.14 VIOLATIONS AND PENALTIES.** Any person who fails to comply with any provisions of this chapter or other applicable code or regulation shall be subject to a fine as set forth in Chapter 4. In the instance that a rental property fails to meet the requirements within this chapter, the Building and Zoning Official may issue an order requiring for the property owner or agent to correct violations within a reasonable amount of time.

Whenever the City determines that a violation of this chapter exists, the City shall give notice of the violation. The notice shall be in writing and shall describe with reasonable detail the violation(s) to allow the property owner to correct said violation(s).

**158.15 FEES.** All fees due to the City for registration, and/or rental housing certificates, as determined by City Council resolution, shall be collected in prior to issuance of a certificate.

**158.16 RENT COLLECTIONS.** Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the City gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

**158.17 APPEALS.** Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved by any decision of the Building and Zoning Official. Such appeals shall be taken within a reasonable time, not exceeding 60 days, by filing with the Building and Zoning Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building and Zoning Official shall forthwith transmit to the Board all papers constituting the record upon which the action appeal from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee as set by the Resolution of the City Council shall be paid to the Building and Zoning Official at the time the notice of appeals is filed.

**158.18 VARIANCES.** In the case of appeals requesting a variance, the Board of Adjustment may grant a reasonable variance in a specific case and from a specific

provision of this chapter, subject, however, to appropriate conditions; and, provided that, the Board makes specific findings of fact based on the evidence presented on the record as a whole, that the following factors have been established by the required standard of proof:

1. There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice or order;
2. Due to the particular circumstances presented, the effect of the application of the provisions of this chapter would be arbitrary in the specific case;
3. An extension of time to bring the property into compliance with the provisions of this chapter would not constitute an appropriate remedy for practical difficulties or unnecessary hardships in this arbitrary effect;
4. Such a variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare;
5. The granting of such variance will not render the structure unsafe for habitation; and
6. The structure benefitted by the variance conformed with all applicable provisions of this Code of Ordinances, including, but not limited to, zoning provisions, at each of the following times:
  - (a) At time of construction;
  - (b) At the time of its conversion to rental dwelling status; and
  - (c) At the time of any increase in number of rental dwelling units in the structure.

#### 158.19 PROGRAM REQUIREMENTS, Crime-free lease addendum.

1. All residential rental property owner with four or more rental units, entering into leases regarding residential rental property shall utilize the crime-free lease addendum provided by the city. Property owners shall advise prospective tenants of the required crime-free lease addendum prior to entering into any lease or rental agreement.
2. The crime free lease addendum shall make criminal activity a lease violation and will specify that criminal activity is not limited to violent criminal activity or drug-related criminal activity engaged in by, facilitated by, or permitted by the tenant, a member of the household, a guest or any party under the control of the tenant. The property owner shall take all reasonable action to enforce the terms of the crime-free housing addendum, including eviction of the tenant in violation pursuant to the requirements of state law.
3. It shall constitute a violation of this subchapter for any residential rental property owner to knowingly permit any tenant to occupy any residential rental property without entering into a crime-free lease addendum or to occupy any residential rental property in violation of any provision of the crime-free lease addendum required under this section. Any failure to include a crime-free lease addendum or similar approved language may result in penalty as set forth below.

4. Training. All residential rental property owners with four or more rental units shall have successfully completed mandatory crime-free management training administered or certified by the city, prior to issuance of occupancy permits. Recertification training will be required of all residential rental property owners every three years.

5. Property contact information. The residential rental property owner shall provide the City with emergency contacts for each rental property, who can provide the names of the residents in each unit and has authority to make decisions with respect to the property.

6. Tenant background checks. All residential rental property owners with four or more rental units shall check the criminal background of all prospective tenants through a screening program approved by the Police Department. Copies of the completed background check must be retained in the tenant's files and made available to the city upon request.

7. Chronic law enforcement issues. Residential rental property owners with fewer than four rental units will be subject to program requirements of this subchapter only if the rental unit(s) experience chronic law enforcement issues. In the event of chronic law enforcement issues, property owners shall remain subject to program requirements for a period of 24 months violation free, following the latest founded incident. Chronic law enforcement issues are unit specific, with occupants therein and defined as:

- (a) One or more Founded Level 1 Violations as defined in 158.21 within a 12-month period.
- (b) Two or more Founded Level 2 Violations as defined in 158.21 within a 12-month period.
- (c) Three or more Founded Level 3 Violations as defined in 158.21 within a 12-month period.

8. Enforcement/penalties.

(a) Notice. Whenever the City determines that a violation of this section exists, the City shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

(b) Violation. Any person who fails to comply with any provisions of this subchapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this subchapter.

(c) Penalty. Any property owner violating any provision of this subchapter or other applicable code or regulation with regard to the Crime-Free Multi-Housing Program shall be subject to a municipal infraction for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues to exist. Permit renewals will not be approved unless all outstanding penalties are paid in full.

9. Suspension/revocation. Any failure of an owner to take reasonable action enforce the terms of the crime-free lease addendum after having been notified by the City of activity or conduct occurring on the residential rental property in violation of the addendum, and after having been given a reasonable opportunity to remedy such activity or conduct, shall be sufficient grounds for the suspension of his or her residential rental permit for a period of up to 90 days. Repeated suspensions may be grounds for revocation. The property owner shall have the right to appeal any suspension as set forth in this subchapter.

#### 158.20 REQUIREMENTS' PUBLIC NUISANCE PROPERTY.

1. It shall be the responsibility of the owner of each dwelling unit that is subject to the provisions of this subchapter to assure that the use and occupancy of such dwelling unit does not unreasonably interfere with or adversely affect the rights of nearby residents to the quiet enjoyment of their property, and does not disturb the health, safety, comfort or general welfare of the occupants of surrounding properties.

2. Any use or occupancy, or allowing the use or occupancy, of any dwelling unit subject to the provisions of this subchapter in violation of the requirements of division (A) above shall constitute a public nuisance as defined in 158.21.

3. Failure of the owner to comply with the requirements of this section with respect to any dwelling unit owned by the owner shall be grounds for the assessment of infraction points covering such dwelling unit as provided in 158.21 of this subchapter.

#### 158.21 ASSESSMENT OF INFRACTION POINTS. Founded complaint of violations.

1. In addition to the possibility of the issuance of a municipal infraction, the owner of any dwelling unit subject to the provisions of this subchapter at which a founded complaint of a violation of any of the following provisions of this code occurs shall be assessed infraction points, in accordance with the following schedule:

2. Nuisance property. A property shall be deemed a nuisance property upon a determination by the city that any one or more of the following is true with respect to the property:

(a) Level I Violation. One or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident's control:

- (i) Manufacture, delivery or possession of a controlled substance in violation of Iowa Code Chapter 124;
- (ii) Kidnapping as defined in Iowa Code Chapter 710;
- (iii) Arson as defined in Iowa Code Chapter 712;
- (iv) Burglary as defined in Iowa Code Chapter 713;

- (v) Robbery as defined in Iowa Code Chapter 711;
- (vi) Sex abuse as defined in Iowa Code Chapter 709;
- (vii) Intimidation with a dangerous weapon as defined in Iowa Code Section 708.6;
- (viii) Willful injury as defined in Iowa Code Section 708.4;
- (ix) Sexual exploitation of a minor in violation of Iowa Code Section 728.12;
- (x) Felony gambling in violation of Iowa Code Chapter 725.7;
- (xi) Felony criminal mischief as defined in Iowa Code Chapter 716;
- (xii) Animal contests in violation of Iowa Code Chapter 717D;
- (xiii) Riot as defined in Iowa Code Section 723.1;
- (xiv) Prostitution as defined in Iowa Code Chapter 725;
- (xv) Sex offender registry violations as defined in Iowa Code Chapter 692A;
- (xvi) Owning, keeping or harboring a dangerous animal as defined in Nevada Municipal Code 55.01 and prohibited by 55.08 thereof.

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(b) Level 2 Violation. Two or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident's control;

1. Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;
2. Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;
3. Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;
4. Misdemeanor gambling as defined in Iowa Code Chapter 725;
5. False imprisonment as defined in Iowa Code Section 710.7;
6. Unlawful discharge of any device in violation of Chapter 41.10 and 41.11 of the Nevada Municipal Code;
7. Engaging in conduct prohibited by 50.02(10) of the Nevada Municipal Code concerning houses of ill fame;
8. Failure to disperse from an unlawful assembly as defined in Iowa Code § 723.3.

(c) Level 3 Violation. Three or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property

within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident's control:

1. Unlawful assembly in violation of Iowa Code § 723.2;
2. Simple misdemeanor assault in violation of Iowa Code Chapter 708;
3. Owning, keeping, harboring or knowingly permitting an animal to create such noise as to constitute a violation of 55.06 of the Nevada Municipal Code;
4. Disorderly Conduct in violation of Nevada Municipal Code 40.04;
5. Consumption or intoxication in public places in violation of Iowa Code § 123.46;
6. Disorderly conduct in violation of Iowa Code § 723.4;
7. Persons under legal age in violation of Iowa Code § 123.47;
8. Making, continuing or causing the making or continuance of a noise disturbance as limited by Nevada Municipal Code Chapter 40;
9. False reports or communications to public safety entities in violation of Iowa Code § 718.6;
10. Violation of any other general provisions not specifically listed, but prohibited in Chapter 40 "Public Peace" of the Nevada Municipal Code;
11. Violation of any public nuisance not specifically listed, but prohibited in Chapter 50 "Public Peace" of the Nevada Municipal Code.

(B) Notwithstanding the foregoing, Chapter 158, shall not apply to calls for service made by a caller seeking law enforcement assistance or other emergency assistance for a victim of crime or abuse, or seeking law enforcement assistance or other emergency assistance for an individual in any other emergency situation, if the caller had a reasonable belief that emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or other emergency or, in the event of abuse, crime or other emergency, the emergency assistance was actually needed. Notwithstanding the foregoing, no penalty shall be imposed under this subchapter against a resident, owner, tenant or landlord because the resident, owner, tenant or landlord was a victim of abuse or crime.

(C) Conduct within the scope of this subchapter may arise out of a mental health condition and that, accordingly, any documented mental health condition of which city officials are made aware may be taken into account when applying the terms of this subchapter.

(D) Except where otherwise specified, the references in this section to provisions of the Iowa Code or the Nevada Municipal Code shall not be construed to mean that prosecution of the specific charge is required to proceed under this subchapter, nor shall it be construed to mean the nuisance activity must be proven beyond a reasonable doubt. Rather, in determining whether a property is a nuisance property, the city shall apply the criteria of this section using a preponderance of evidence as the standard of proof. Any determination pursuant to this section shall be subject to administrative appeal and/or court review as set forth in this subchapter.

(E) Penalty. The city may issue a municipal infraction citation to the owner or any occupant of a dwelling unit, or both, for a violation of any of the provisions of this

subchapter or of this code, in addition to the assessment of infraction points against such dwelling unit hereunder for the same conduct or incident which forms the basis of the municipal infraction citation or citations against the owner or occupant of such dwelling unit.

(F) Suspension. In the event any dwelling unit that is covered by this subchapter is assessed one Level 1 infraction point, two Level 2 infraction points, three Level 3 infraction points or a combination of Level 1, 2, 3 infractions points in rolling 12-month period under the provisions of this subchapter, the minimum rental housing occupancy permit covering such dwelling shall be subject to suspension as provided in this section for a period of six months if the occupancy permit has not been previously suspended, or for 12 months, if the dwelling unit's occupancy permit has previously been suspended under this subchapter. For purposes of this section, any points assessed against a dwelling unit shall be deemed to have been assessed as of the date that the conduct upon which the founded complaint which led to the assessment of points actually occurred.

[The next page is 825]



Awning Signs	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Canopy Signs	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Business Identification	P	C	C	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Projecting	P	P	P	P	P	P	N	P	N	P	N	N	N	N
Roof, Integral	N	N	N	N	N	N	P	N	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Temporary	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Miscellaneous														
Flag Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Deleted: N

P: Permitted for All Uses

C: Permitted for Civic Uses

N: Not Permitted

Table 165.20-2 Permitted Signs by Type and Zoning Districts

Sign Types	AR	RR	R-1	R-2 R-5	R-3	R-4	UC	LC	CC	DC	GC	BP	LI	GI
Design Element														
Illumination														
Indirect	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Internal	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Neon	N	N	N	N	N	N	N	N	P	P	P	N	P	P
Flashing	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Other														
Electronic Information	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N	P	N	N	P
Rotating	N	N	N	N	N	N	N	N	N	N	P	N	N	P

P: Permitted for All Uses

C: Permitted for Civic Uses

N: Not Permitted